

CITY OF FRESNO

CITIZEN PARTICIPATION PLAN

February 2002

**Prepared by the
Department of Housing and Neighborhood Revitalization
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CITY OF FRESNO CITIZEN PARTICIPATION PLAN

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I. **EXECUTIVE SUMMARY**

The U.S. Department of Housing and Urban Development (HUD) requires the City of Fresno to have and follow a Citizen Participation Plan as a condition of receiving funds. This Plan contains the City's policies and procedures for involving the community in:

- the development of the Annual Action Plan and the multi-year Consolidated Plan;
- the review of the Consolidated Annual Performance and Evaluation Report (CAPER); and
- the use of Community Development Block Grant (CDBG) Program, the Home Investment Partnerships Program (HOME), and the Emergency Shelter Grant (ESG) Program funds.

Included in the Citizen Participation Plan are policies and procedures for amending these documents and local programs. The Citizen Participation Plan will apply to the Section 108 loan program and other HUD programs that would require a citizen participation plan. (See Appendix A for a description of the Annual Action Plan, Consolidated Plan and CAPER and Appendix B for a description of the three programs. Appendix C contains a copy of the federal requirements for the citizen participation plan.)

HUD annually provides funds to the City for these programs as established by the Housing and Community Development Act of 1974, as amended, the National Affordable Housing Act of 1990, as amended, and by the Stewart B. McKinney Homeless Assistance Act, of 1988, as amended. Each year, the City of Fresno seeks community participation to identify community development needs and how the City should distribute funds at the local level.

On the next two pages, there are flow charts that describe the processes for developing the Annual Action Plan and for amending that Plan. The narrative for developing the Annual Action Plan begins on page 7 and the Amendment Process on page 21.

II. METHODS OF CITIZEN INVOLVEMENT

The City provides four levels of citizen involvement in the development of the Annual Action Plan and the multi-year Consolidated Plan. The four levels are listed below:

- 1) Local community involvement;
- 2) Technical assistance workshops for prospective applicants;
- 3) Citizens' advisory review and hearings before the Housing and Community Development Commission (HCDC); and
- 4) City Council noticed public hearing.

While both the Annual Action Plan and the Consolidated Plan seek community involvement on these four levels, the methods of involvement differ for the two plans. Efforts to involve local citizens are more intensive during the Consolidated Plan preparation process than in the Annual Action Plan process. The purpose of the Consolidated Plan is to identify needs and develop a multi-year strategy to address those needs. The primary purpose of the Annual Action Plan is to identify specific activities to be funded or actions to be taken during a particular fiscal year to address needs that were identified in the multi-year Consolidated Plan. To achieve these purposes, the citizen involvement is different and, therefore, described separately below.

ANNUAL ACTION PLAN

At the beginning of the planning process, the City will prepare an Information Guide that describes the City's funding application processes. The Guide will also include the objectives and eligible uses of the CDBG, HOME and ESG programs, a map of eligible neighborhoods and amount of funds expected to be received by the City including program income. The Information Guide will also provide a tentative time schedule that the City is expected to follow in the preparation of the Plan.

Local Community Involvement: The City will make every effort to involve the community, especially lower income persons and those living in areas eligible for CDBG funds, in the annual planning and funding processes within reasonable limits of staffing and budgetary constraints. (See Appendix D for a map of eligible areas.) In addition to the workshops, public meetings and hearings described later in this section, City staff will

participate in at least four neighborhood public meetings annually, anticipated to be conducted by the City Council members whose districts have the largest concentrations of lower income persons. The City Council members will notify the constituents of the meetings in their district. City staff will also notify groups and individuals that have expressed an interest in attending such meetings. Staff will attend additional meetings if requested by a Council member.

At the meetings, staff will be available to discuss the grant programs, describe the application process and answer questions regarding eligibility issues. Two or three members of the City's Housing and Community Development Commission will also attend the community meetings to hear citizen concerns about the program.

Since the purpose of the Action Plan is the allocation of funds received from the CDBG, HOME and ESG programs, the City will notify groups that are qualified to receive the funding and that have shown an interest in applying for funds. Interested groups should request the Department of Housing and Neighborhood Revitalization to have their group added to the City mailing list. These groups include community groups, minority groups, local neighborhood groups, nonprofit agencies, governmental agencies and individuals that are qualified to receive funding and that have shown an interest in applying for funds. The City will notify each of these groups and agencies in writing when the City's application workshops will be conducted and when the application deadline will occur.

The City will periodically work with California State University, Fresno in conducting surveys to determine the views of residents on housing and community development needs of CDBG-eligible neighborhoods and the City as a whole. These surveys will also aid the City in assessing the effectiveness of existing community programs. HCDC will assist in the development of the survey instrument. The results of these surveys will be provided to the Mayor, City Council and the HCDC to assist them in their review of funding applications.

In addition, the City will notify the City Housing Authority that the annual plan preparation process has been initiated. The City and the Housing Authority will consult to assure that the Housing Authority's annual program is reflected in the City's Annual Action Plan and that Comprehensive Grant Plan and grant applications are consistent with both the City's

Annual Action Plan and Consolidated Plan. The City will request the Housing Authority to encourage its residents to participate in the planning process.

In some cases, needs are better addressed by other funding sources than the City. Whenever possible, City staff will refer those seeking assistance to the most appropriate funding sources.

The City wants to ensure that all people are able to participate in all public meetings including the community meetings. Therefore, the City will provide translators, upon request, to help non-English speaking persons at public hearings, workshops and public meetings. Likewise, the City will make special accommodations for persons with disabilities so they can participate. The City will schedule meetings in locations that are free from accessibility problems and at times that are convenient for the community. Persons needing special accommodations or translators should make their requests **one week** before the meeting so the City can assure that the special needs are met. These requests should be made to the Department of Housing and Neighborhood Revitalization at (559) 498-1135.

For the community as a whole, the City will publish a public notice in the Fresno Bee that the City is starting the Annual Action Plan process and will provide a press release in the local newspapers, television and radio stations, including those that are bilingual, that the application process is beginning. (See Appendix F for a list of the newspapers, radio and television stations where press releases are sent regarding program development and events.) The notices and press releases will include information about the application process and the workshops. (See Appendix G for an example of the Notice.) The City's web page will also contain general information about the funding programs, the City's application process and the time schedule. The web page also includes the previous year's Annual Action Plan, the Consolidated Plan, Consolidated Annual Performance and Evaluation Report (CAPER), Citizen Participation Plan and the Analysis of Impediments to Fair Housing.

For the Emergency Shelter Grant (ESG) program, eligible homeless services providers have met together to form a coalition that applies collectively for the ESG funds. The City will participate to assure that all eligible providers are able to participate in the process. Those agencies that choose not to be a part of the coalition are permitted to apply separately for the ESG funding if they meet the ESG requirements of an eligible homeless shelter provider.

Technical Assistance Workshops: Each year the City will conduct at least two technical assistance workshops on the CDBG and ESG funding application submittal process. (Exceptions: The City has a separate review and selection process for agencies applying for Community Housing Development Organizations (CHDO) set aside funds and for specific housing construction and rehabilitation projects using HOME funds. This process is described in the next section.)

While attendance at the technical assistance workshops is not mandatory, persons, groups and agencies interested in applying for funds will be strongly encouraged to attend one of these workshops. The workshop is intended to familiarize persons on the eligibility requirements of the three funding programs. City staff will also describe the funding application forms and the application review and approval process. The City will conduct one workshop after regular work hours to accommodate various work schedules. After attending the workshops, applicants may also contact staff regarding eligibility issues and the application process.

In addition to notifying persons and agencies that have expressed an interest in applying in the past, the City will also publish a notice in the Fresno Bee at least fifteen days prior to the workshops. A press release will be provided to local newspapers and television and radio stations as listed in Appendix F. This notice may be combined with a notice for the pre-planning public hearing which is described below under the HCDC hearing.

Community Housing Development Organization (CHDO) Workshops: Fifteen percent of the HOME funds must be used for CHDOs. During the Annual Action Plan process, HOME funding will be set aside for CHDO projects, but the actual CHDO project selection process will occur later in the year. Any organization interested in submitting its qualifications to become a designated CHDO may do so anytime during the year. Periodically the City will conduct workshops, or make CHDOs aware of HUD-sponsored workshops, covering a variety of topics, to better equip the CHDOs for competing for the City funds. The workshops will also cover City program requirements and the numerous HUD regulations.

CHDOs are encouraged to submit proposals to the City. City staff will first analyze a

proposal to determine whether the application meets program eligibility requirements. Then staff will consider the feasibility of the proposal by reviewing all support and financial documents such as a schedule for performance, a pro forma budget and letters of financial commitment. When it is determined that the project is feasible and sufficient CHDO funding is available to fund the project, staff will present the project to the HCDC for review and recommendation. Upon receiving the HCDC recommendation, the City Council will consider the merits of the project and, if the project is approved, authorize staff to prepare the necessary development agreements.

Non-City agencies and developers interested in using non-CHDO HOME funds to rehabilitate or construct housing will follow the same process described in the previous paragraph for CHDO projects.

Housing and Community Development Commission (HCDC) Hearing: The HCDC, a citizens advisory group appointed by the Mayor, is responsible for reviewing and making recommendations to the Mayor on the funding applications described in the Annual Action Plan. The HCDC will conduct at least two evening public hearings. At the first hearing, the HCDC will review program accomplishments as described in the Consolidated Annual Performance and Evaluation Report (CAPER) and obtain citizen input on housing and community development needs. This hearing will be conducted at the outset of the planning process for the Annual Action Plan. A notice of the hearing will be published in the Fresno Bee at least fifteen days prior to the hearing.

The HCDC will conduct a second public hearing on the CDBG, HOME and ESG funding requests, except for requests from CHDOs and private developers as described in the previous section. Applicants with eligible applications, including the City, are invited, in writing, to present their projects at the HCDC hearing and to answer questions. The HCDC may continue the hearings to another night if necessary. The HCDC will usually make its funding recommendations at the next regular meeting or will call for a special meeting. At that meeting, the HCDC may seek clarification from staff and funding applicants, but usually will not seek additional testimony since the hearing will be closed at the previous meeting. The HCDC will prepare funding recommendations which are submitted to the Mayor. The applicants will be notified in writing of the HCDC recommendations. The HCDC recommendations are included in the final adopted Annual Action Plan for information.

Thirty-Day Public Review Period

After the HCDC recommendation, the City will prepare a draft Annual Action Plan based on the Mayor's proposed City budget which will include the projects and programs funded with CDBG, HOME and ESG. The City will then publish a legal notice in the Fresno Bee that the draft Annual Action Plan is available for public review and written comment. Any written comments must be submitted to the Department of Housing and Neighborhood Revitalization prior to the end of the thirty day review period. All funding applicants will receive a written notice of the Mayor's budget recommendation. During the review period, the draft Annual Action Plan is available on the City web page, www.ci.fresno.ca.us. See Appendix H for locations where copies of the draft Annual Action Plan may be reviewed.

City Council Hearings: After the thirty day public review period is completed, the City Council will conduct at least one public hearing on the Annual Action Plan. The hearing will usually be conducted as part of City Council's annual City budget process. The City Council's budget hearing is noticed in the Fresno Bee ten working days prior to the hearing and listed in the City Council's Agenda. HCDC members and all funding applicants will also be notified of specific time and place of the public hearing at least ten working days prior to the hearing. After the City Council adoption, staff will submit the Annual Action Plan to HUD for the required 45-day review period.

The City Council has the ultimate responsibility for Annual Action Plan adoption, although the Mayor has veto power over budgetary and legislative items. The City Council may override the Mayor's veto by five members voting for the override.

HUD Review Period

After adoption, the City will attach to the Annual Action Plan a summary of any written or oral comments received during the public review period and the public hearings. If the City does not incorporate a recommendation received from the public, the City will attach the reasons why that recommendation was not included. The City will then send the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for review and approval. The HUD approval process takes 45 calendar days. If the Plan has included

all of the required sections and has gone through the required public review, HUD approval is considered routine. The City may incur costs at the beginning of the program year which starts July 1st, but may not draw down any funds until HUD has completed its 45-day review period and a grant agreement has been fully executed with HUD.

Upon adoption by the City Council, the final Annual Action Plan is available on the City web page, www.ci.fresno.ca.us. See Appendix H for locations where copies of the final Annual Action Plan may be reviewed.

CONSOLIDATED PLAN

As described earlier, the City is required to prepare a multi-year Consolidated Plan. These plans are usually for three to five years. The purpose of the Consolidated Plan is identify the needs of lower income persons, to establish funding priorities and to develop a multi-year strategy to address those needs. The Annual Action Plan must be consistent with the Consolidated Plan.

Local Community Involvement: The City will make every effort to involve the community, especially lower income persons and those living in areas eligible for the CDBG funds, during the preparation of the Consolidated Plan. The community's involvement will be at both the planning and funding processes and will be within the reasonable limits of staff time and cost consideration. These would include the groups that participate in the preparation of the Annual Action Plan. In addition, the City will seek input from other groups that might not be eligible for funding, particularly housing industry representatives, such as lenders and real estate agents, since the Consolidated Plan is concerned with identifying citywide needs and trends. Appendix E lists the groups that were invited to participate in the most recent process. This list will continue to evolve as additional groups are formed, identified or dissolved. The City will seek information from these groups to help the City decision makers in identifying and prioritizing citywide needs and developing strategies in addressing those needs.

The City will use the following procedure in developing the list of agencies and individuals that the City will consult with during the plan preparation process:

1. The City will identify all agencies and individuals that have applied for HUD funds from the City since the previous Consolidated Plan was prepared.
2. The City will identify and involve nonprofit and governmental agencies that might have useful information about the city's overall housing, community development, health services, social services and economic development needs. This will include agencies that represent persons with special needs.
3. The City will request housing industry associations to appoint a person to represent that group in working with the City.
4. The City will involve City Commissions and Committees, including the Housing and Community Development Commission (HCDC), that may be affected by the CDBG, HOME and ESG Programs.
5. The City will retain a list of agencies, groups and individuals who have requested information about the programs and have requested to be put on the City's mailing list for input into the Consolidated Plan. The City will periodically verify that the agencies and persons are still interested in the program and the addresses and telephone numbers are current.
6. The City will encourage City Housing Authority residents and staff to participate in the planning process. This may be accomplished by a number of methods, such as meeting with the Residents Advisory Board, flyers posted at each of the complexes, etc. The City will also consult with the City Housing Authority to assure that their Comprehensive Grant Plan is consistent with the City's Consolidated Plan.
7. The City will notify appropriate Fresno County departments, the City of Clovis, the State of California Governor's Office of Planning and Research Clearinghouse and the Council of Fresno County Governments that the City is preparing a description of the non-housing community needs of the City. In addition, the City will consult with the County Health Department regarding data on lead based paint hazards and poisonings.
8. To reach the general public, the City will send press releases to the local newspapers and

radio and television stations including those that are bilingual. These are identified in Appendix F. In addition, the City will publish a notice in the Fresno Bee letting the public know that the planning process has begun and encouraging participation.

After compiling a list of interested participants, the City will invite these people to attend one of several working sessions. Each working session will involve a certain topic so that persons with similar interests, but not necessarily similar perspectives, can fully discuss the citywide needs for that particular topic area.

The City wants to ensure that all people are able to participate in community meetings. Therefore, the City will provide translators, upon request, to help non-English speaking persons at public hearings, working sessions and public meetings. Likewise, the City will make special accommodations for persons with disabilities so they can participate. The City will schedule meetings in locations that are free from accessibility problems and at times that are convenient for the community. Persons needing special accommodations or translators should make their requests **one week** before the meeting so the City can assure that the special needs are met. These requests should be made to the Department of Housing and Neighborhood Revitalization at (559) 498-1135.

Upon completion, the City will notify the working session participants that the proposed Consolidated Plan is available for public review for a thirty-day period. A public notice in the Fresno Bee will also notify the public of the thirty-day public review period by publishing a short summary of the Consolidated Plan. The summary will briefly describe the contents and purposes of the Consolidated Plan. The notice will also include the locations where copies of the Plan can be examined. An example of a notice is in Appendix G. In addition, the notice will indicate that the City Council, after the thirty-day period, will conduct a public hearing before adoption of the Plan. A copy of the draft and final documents will be on the City web page and in the locations described in Appendix H. Copies of the documents are also available to the public, upon request in the Department of Housing and Neighborhood Revitalization.

Housing and Community Development Commission (HCDC) Hearings: The citizen involvement process includes a public hearing by the HCDC on the overall needs and priorities to be recommended as a part of the Plan at the outset of the planning process. The HCDC will review the Plan at various stages of development at their regularly scheduled

meetings. At a public hearing, the HCDC will review and make a recommendation on the final draft of the Consolidated Plan prior to the Plan being presented to the City Council for adoption. The HCDC will consider public comments on the Plan at that time. The hearing may be held toward the end of the required thirty day public review period.

City Council Hearing: Prior to adoption, the City Council will conduct at least one public hearing on the Consolidated Plan. This hearing may or may not be done in conjunction with the hearing on the Annual Action Plan. HCDC members and working session participants (See Appendix E for listing of agencies.) will be notified of the public hearing. This hearing will also be noticed in the Fresno Bee and listed in the City Council's Agenda. The notice may be included in the thirty day notice and the HCDC public hearing notice. The ultimate responsibility for the Consolidated Plan adoption is with the City Council. The Mayor has veto power over budgetary and legislative matters. The City Council may override the Mayor's veto by five members voting in favor of the override.

After adoption, the City will attach to the Consolidated Plan a summary of any written or oral comments received during the public review period, including the public hearings. If the City does not incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the Consolidated Plan is sent to HUD. The City will then send the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD) for review and approval.

III. SUBMITTAL TO HUD

The Consolidated Plan and the Annual Action Plan will be submitted to the U.S. Department of Housing and Urban Development for a 45-day review period. Since project selection and program priorities are strictly local decision, HUD approval is considered routine; provided that the Plan includes all of the required sections and has gone through the required public review.

During their HUD review period, copies of the Consolidated Plan and Annual Action Plan are available at the City Clerk's Office, Department of Housing and Neighborhood Revitalization, and the County Library (Downtown branch). Both documents, along with other information about the City's program, are also available throughout the year on the City's web page at www.ci.fresno.ca.gov

Persons having concerns about the City program should first express those concerns locally, because final programmatic decisions are the responsibility of the City. It should be noted that HUD officials will consider public concerns anytime regarding the City's plans and programs described in this Citizen Participation Plan, preferably during the 45-day HUD review period. Written concerns may be submitted to:

Mr. Steve Sachs, Director
Community Planning & Development Division
U.S. Department of Housing & Urban Development
San Francisco Regional Office, Region IX
450 Golden Gate Avenue
San Francisco, CA 94102-3448

IV. **CITIZEN COMMENT AND COMPLAINT PROCESSES**

HUD requires thirty-day public review periods for the Consolidated Plan and the Annual Action Plan, while the review period for the Comprehensive Annual Performance Evaluation Report (CAPER) is fifteen days. Questions, concerns, comments and complaints may be directed to the following City department during these review periods, and at any time of the year:

Department of Housing and Neighborhood Revitalization
2600 Fresno Street, Room 3076
Fresno, CA 93721-3605
Phone: (559) 498-2637 fax: (559) 488-1078

The City will attempt to respond, in writing, to concerns and complaints in a timely and responsive manner, and, if possible, within 15 working days.

The federal government has given the Mayor and City Council sole responsibility and authority to develop and implement the Consolidated Plan and the Annual Action Plan within HUD regulated guidelines. Nothing in the Citizen Participation Plan should be construed as a restriction upon the City's authority to develop and execute the Consolidated Plan or the Annual Plan or to carry out the responsibilities of the CDBG, HOME or ESG programs.

V. AMENDMENT PROCESS

During the program year, the City may amend the Consolidated Plan and/or the Annual Action Plan. These amendments may be minor or substantial. HUD requires minor or substantial amendments to the Plan, whenever the City makes one of the following decisions:

1. Changes its CDBG, HOME and ESG funding allocation priorities;
2. Changes the City's program and activity funding selection process;
3. 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
4. Changes the purpose, scope, location or beneficiaries of an activity.

Minor amendments for any of these programs do not require public review or any additional action by the City.

The federal regulations require the citizen participation plan define when an amendment is considered substantial and what the citizen process will be when there is a substantial amendment. The process for amending either the Consolidated Plan or the Annual Action Plan will differ from program to program based on the definition of substantial change for that particular program, whether it be the CDBG, HOME or ESG Program.

Definition of Substantial Amendment: In the Consolidated Plan, there are priority goals and each goal has several action items. An amendment would be considered substantial, if the City were to add, delete or modify a priority goal category currently in the adopted Plan. The addition, deletion or modification to a specific action item would not be considered a substantial change, when the change does not result in an addition or deletion of a priority goal.

In the Consolidated Plan, most activities funded with CDBG, HOME and ESG funds have units of measure, such as the number of houses rehabilitated or the linear feet of curb and

gutter constructed. These production projections in the Consolidated Plan are considered estimates and changes would not be considered, by themselves, substantial. The addition, deletion or modification of programs described in the Consolidated Plan will not necessarily be considered a substantial change, even if that change were considered substantial for the Annual Action Plan. The reason is that unlike the Annual Action Plan, the Consolidated Plan does not commit to specific programs and funding amounts. Instead the Consolidated Plan focuses on overall City needs and goals.

For the City's CDBG program, a change in the Annual Action Plan will be considered substantial whenever costs increase by \$25,000 or 25% of a project's budget, whichever is greater. Cost savings or the deletion of work items to keep a particular project within budget will not constitute a substantial change; if the purpose, scope, location or beneficiaries of the project remain essentially the same. Modifications to program requirements would constitute a substantial amendment, if the beneficiaries remain the same. Such modifications would be reviewed by HCDC prior to being presented to the City Council.

For example, the City proposes to pave five streets and install a drainage line as part of a street project. As a result of engineering considerations, the City drops one street and replaces that street with another street in the same neighborhood needing some curb and gutter replacement in addition to the street improvements. The project cost increases by 20% of the project. This would not be a substantial amendment, even though the scope has changed with the addition and deletion of a street and the addition of curb and gutter. In this instance, the purpose of the project has not changed substantially, although individual elements to accomplish the purpose has been modified.

Using the above scenario, an amendment would be required if the City were to drop three streets in lower income areas and the two remaining streets were in a higher income neighborhood which would not have qualified if the three dropped streets were not originally included. Besides being ineligible, this change would be substantial, not because part of the project was dropped, but because the beneficiaries have substantially changed.

The addition or deletion of an activity would also constitute a substantial change except in seven cases: 1) if the additional activity were on a back up priority list approved by the City Council during budget hearings; 2) if the activity were being deleted due to delays and

would be included in the following year's Annual Action Plan; 3) if the budget of the new activity does not exceed \$25,000 and does not result in an approved project being deleted or reduced in scope; 4) if an applicant requests that their activity be terminated; 5) if there are non-performance or eligibility issues requiring activity termination; 6) if project deletion or funding reductions are due to facility closure or bankruptcy; or 7) if the agency becomes disqualified or ineligible to receive funding or is unable to produce sufficient eligible billings in accordance with the provisions of the agreement. Funds from deleted activities or activities completed with a cost savings may be available for new activities during the current program year or approved activities needing additional funds or may be carried over to the next program year for approved programs. These actions will be subject to the amendment process, where required.

Modifications to a project after completion of the final engineering work would not constitute a substantial change, if the purpose, scope, location or beneficiaries of the project remain essentially the same. Therefore, elements can be added or deleted to a project; provided that, the change in the project cost does not otherwise trigger a substantial change. For example, as a result of the engineering work, a drainage line is needed to make the project work. To include that drainage line would not require a substantial amendment, because the project objective has remained the same; provided the cost has not increased by more than 25% of that project's budget or \$25,000, whichever is greater.

The CDBG regulations also allow the City to fund interim assistance activities. (See Appendix J for a definition.) Essentially these activities address emergency activities and for that reason, are exempt from the citizen participation, public hearing, legal noticing processes and environmental assessment requirements. Even though these activities would be new mid- year projects, their inclusion would not require a substantial amendment to the Annual Action Plan.

A substantial change for the HOME and ESG Programs would occur whenever a program or project is added or deleted from the Annual Action Plan or reallocation of the funds among activities described in the Annual Action Plan is greater than 25% of the City's total HOME or ESG allocation. If a surplus in ESG funds occurs and the City proposes to proportionally split the surplus funds among agencies already receiving ESG funds, then a substantial amendment will not be required.

Process for Amending Consolidated Plan/Annual Action Plan: Whenever the City proposes a substantial amendment, the HCDC will review and make a recommendation regarding that proposal. The Mayor and the City Council will consider the HCDC recommendation and take final action regarding the proposed amendment. If an agency, neighborhood group, or person has actively been involved in applying for or implementing a project, City staff will notify that agency, neighborhood group, or person of the dates the HCDC and City Council will be considering the proposed amendment pertaining to that project.

The public will also be encouraged to provide input and will be advised by a legal notice in the Fresno Bee of the proposed amendment thirty days before action by the City Council. The legal notice will also include the date that the HCDC and the City Council will consider the proposed amendment. The HCDC meeting may occur within the thirty-day period. City Council approval of the addition, deletion or modification of the project will constitute approval of the substantial amendment.

The City will provide a summary of any public recommendations to the City Council regarding a substantial amendment. If the City does not incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the final amendment is sent to HUD.

The City is required to set aside 15% of the HOME Program funds for Community Housing Development Organizations (CHDOs) projects. The City does not identify the specific CHDO projects at the time the Annual Action Plan is submitted. Instead, the City has a separate CHDO application process during the program year, since there is a limited clientele for the CHDO funding. A substantial amendment will not be required when the City identifies a specific project to be funded with its CHDO funds; however, all CHDO projects will go through a similar process as with a substantial amendment.

HCDC will review and make a recommendation to the City Council on all viable proposed CHDO projects. The City will notify all City-eligible CHDOs of the date and time when the City Council will consider the staff recommendation and what that recommendation will be. The City will use the same process for HOME Program-funded, developer-driven construction and rehabilitation projects, not specified in the Annual Action Plan.

The City will notify HUD that an amendment has been made. The City will submit a copy of each amendment to HUD as either it occurs or at the end of the program year. Letters transmitting copies of amendments will be signed by the City Manager or his/her designee.

Amendment to Citizen Participation Plan:

Amendments to the Citizen Participation Plan will be handled in a similar manner as substantial changes to the Annual Action Plan. Proposed amendments will be reviewed by the HCDC and approved by the City Council. The legal notice will be published in the Fresno Bee with a 15-day public review period. Upon request, the City will make the Citizen Participation Plan available in a format to assist persons with disabilities, such as enlarged print.

VI. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORTS (CAPER)

On or about October 1st of each year, the City is required to submit a performance report known as the Consolidated Annual Performance and Evaluation Report (CAPER) to HUD for the previous program year. The CAPER provides a description of the following:

- Resources available to the City, and in particular CDBG, HOME and ESG programs;
- Investment of those resources, the geographic distribution and location of investments;
- Number of families and persons assisted (including the racial and ethnic status of persons assisted);
- Actions taken to affirmatively further fair housing;
- Evaluation of other actions and activities, such as infrastructure projects, indicated in the strategic plan of the Consolidated Plan and the Annual Action Plan;
- Evaluation of the jurisdiction's progress in meeting its specific objective of providing affordable housing, including the number and types of families served; and
- A summary of any written comments or views received from citizens regarding the City-funded programs and performance as well as any oral testimony at public hearings for City-funded programs and performance.

The City will publish a legal notice in the Fresno Bee at least fifteen days before submittal of the CAPER to HUD so that citizens may comment on the report.

The City staff will also make copies of the CAPER available to the Housing and Community Development Commission (HCDC) and the City Council. The HCDC will review the CAPER as part of their public hearing at the outset of the next program year. The CAPER is available on the City web page, www.ci.fresno.ca.us. See Appendix H for locations where copies of the CAPER may be reviewed.

A public hearing is conducted by the HCDC on performance and needs at the outset of the program planning process. At this hearing, the HCDC will consider public comments on the CAPER. The hearing is conducted at least 45 days after the CAPER is made available to the public.

VII. RELOCATION PLAN

The City intends to minimize permanent and temporary displacement of persons as a result of the CDBG, HOME and ESG Program. However, there may be occasions where relocation may be necessary to achieve the City's overall housing and community development goals. In these cases, the City has adopted a relocation plan to describe how the City intends to assure that the rights of the affected residents are protected. See Appendix K for a copy of the City's Relocation Plan.

VIII. ACCESS TO RECORDS

Copies of the Consolidated Plan, Annual Action Plan, CAPER and Citizen Participation Plan, including any substantial amendments to these documents, will be available to the public during normal working hours of City Hall. These records, available for the preceding five years, will be located for public review in the following locations:

Department of Housing and Neighborhood Revitalization (HNR)
Fresno City Hall
2600 Fresno Street, Room 3076
Fresno, CA 93721
(559) 498-1135

Fresno County Public Library, Central Branch, Reference Desk
2420 Mariposa
Fresno, CA 93721

Note: Most branch libraries in the City of Fresno will have a copy of these documents as well. If they do not, please contact HNR staff at the telephone number above.

The public may also view the plan on the City's web page at www.ci.fresno.ca.us Once on the City's web page, click on City Department, then select Neighborhood Revitalization, then the document that you are wanting to view. If a person is wanting to print out the document, it is advisable to download the document into their computer (Save As) and then open the document back up from your computer in Acrobat Reader to print the document. Otherwise the process can be very lengthy. If a person does not have the Acrobat Reader program, you can download it from the Neighborhood Revitalization web page free of charge. If a person has problems, they may call City staff at 498-1135.

Citizen Participation Calendar of Events - Annual Action Plan Preparation

<u>ACTIVITY</u>	<u>DATE</u>
• Housing and Community Development Commission conducts pre-planning public hearing in conjunction with prior year performance hearing	November/December
• Conduct community meetings in city council districts	Throughout the year, but especially October - January
• Conduct two technical assistance workshops	January/February
• Funding applications due	Late February/Early March
• Housing & Community Development Commission public hearing on funding applications	Late March/Early April
• Mayor announces City budget, including CDBG, HOME and ESG funded projects	May 1
• Public Review of Draft Annual Action Plan	May 1-30
• City Council conducts public hearing, adopts the Annual Action Plan along with the mid City budget, including funding for CDBG, HOME and ESG projects and authorizes submittal of the Plan to HUD	mid June
• HUD reviews Annual Action Plan for 45 days	June-August
• City begins its Program Year and begins to incur costs	July 1
• HUD approves Annual Action Plan; City can draw down funds after grant agreement is executed.	Early August
• Consolidated Annual Performance and Evaluation Report (CAPER) prepared and made available for public review	September
• CAPER sent to HUD	October 1
• HCDC conducts annual public hearing on CAPER performance and community needs	November/December

APPENDIX A

DEFINITIONS

Annual Action Plan - The City is required to prepare an Annual Action Plan which describes how it will use CDBG, HOME and ESG funds during each new fiscal year to address the needs discussed in the Consolidated Plan. The Annual Action Plan must be consistent with the multi-year Consolidated Plan. The Annual Action Plan must be submitted to HUD 45 days prior to the beginning of the program year. For the City of Fresno, this is July 1st.

Community Development Block Grant (CDBG) Program - See Appendix B for a description of the program.

Community Housing Development Organizations (CHDO) - CHDOs are housing nonprofit organizations that meet certain requirements set forth by HUD under the HOME program. The federal government requires the City to set aside 15% of its HOME Program allocation for CHDOs.

Consolidated Annual Performance and Evaluation Report (CAPER) - This report describes the accomplishments of the City's CDBG, HOME and ESG programs at the end of each fiscal year. The Plan is an assessment of the City's progress in accomplishing the goals of the Annual Action Plan and the Consolidated Plan. There is also a discussion of some of the additional funds that the City has accessed during the year to leverage the HUD funding.

Consolidated Plan - The City is required to prepare a five year Consolidated Plan to receive Community Development Block Grant (CDBG), HOME and Emergency Shelter Grant (ESG) funds. In 2000, the City was allowed to reduce the term of the plan to four years since the 2000 Census data was not available. The Plan includes a description of the housing and community development needs of the City, the City's priorities given the limited financial resources available to the City, and a strategy toward addressing those needs.

Downpayment Assistance Program (DAP) - The City has a special loan, known as the DAP Program, to assist low-income, first-time home buyers with a portion of the costs for a home purchase.

Emergency Shelter Grant (ESG) Program - See Appendix B for a description of the program.

Home Investment Partnerships (HOME) Program - See Appendix B for a description of the program.

Low Income Homebuyer Program (LIHP) - This City program helps lower income individuals and families purchase homes by providing loans for part of the sales price of the home.

U.S. Department of Housing and Urban Development (HUD) - HUD is the federal agency which administers the CDBG, HOME and ESG funds. The City must abide by HUD regulations for these three programs as a condition for receiving these funds. Some changes in the regulations can be accomplished by HUD, but many of the requirements are part of the legislation passed by Congress and would require action by Congress if the requirements were to be modified or waived.

APPENDIX B

DESCRIPTION OF CDBG, HOME AND ESG PROGRAMS

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

The Community Development Block Grant (CDBG) Program is administered by HUD and is authorized under Title 1 of the Housing and Community Development Act of 1974, as amended. The purpose of the CDBG Program is to enhance and maintain viable urban communities through the provision of decent housing, a suitable living environment, and the expansion of economic opportunities, principally for low- and moderate-income persons.

To be eligible for CDBG funding, a project or activity must qualify by meeting **one** of the following three national objectives:

National Objective No. 1 - Activities Benefitting Lower Income Persons/Households

The definition of a lower income person or household is one having an income equal to or less than 80% of Fresno's median income. A minimum of 70% of the City's total allocation must be used to address the needs of lower income persons. Projects must be either a direct benefit activity or an area benefit activity.

Direct Benefit Activities - To qualify as a direct benefit activity, there must be documentation that the public service program is benefitting lower income residents. At least 51% of the recipients of public service programs must have incomes equal to or below 80% of the median income. Certain other activities, such as housing rehabilitation, require all program participants to be lower income households.

HUD presumes certain groups meet the lower income criteria. Therefore, a record of the beneficiaries would not be required. HUD has defined these groups as abused children, battered spouses, elderly persons, adults with severe disabilities, homeless persons, illiterate adults, persons living with AIDS, and migrant workers.

Area Benefit Activities - These are activities that serve geographic areas in which at least 51% of the households are lower income, based on census data. To meet this criteria, 51% of household

incomes must be equal to or less than 80% of the median income of the project's service area. See Appendix D for a map of the eligible areas in the City.

Examples of Area Benefit Activities include public improvements, i.e., street, sidewalk, curb, and gutter improvements (including related design and engineering work), park improvements, community centers, and public facilities.

Public Services - A maximum of 15% of the City's total annual CDBG allocation may be used for public service activities.

The agency must be able to document that at least 51% of a public service activity's clientele are lower income residents. Public service projects must be a new service or an increase in the existing level of service. Examples of public services include crime prevention, child care, and drug-abuse related services.

Housing Activities - Housing activities include acquisition or rehabilitation of properties. CDBG funds may not be used for new housing construction, but may be used for property acquisition and construction of off-site improvements in conjunction with new construction.

The City currently has a housing rehabilitation program for lower income owner- and renter-occupied units..

National Objective No. 2 - Activities That Aid in the Prevention or Elimination of Slums or Blight

If a project cannot meet the low income objective, a project may qualify if it benefits a slum or blighted area. State or local laws define slum and blighted areas as those that contain a high number of deteriorating or dilapidated buildings or infrastructures within the area. Redevelopment project areas generally qualify under this category. **Note:** Most blighted areas also qualify under National Objective No. 1 (Activities Benefitting Lower Income Persons/Households). It is **not** necessary to meet the special requirements for slums and blight, if the project already addresses the needs of low income persons.

To meet this Objective, the activity must be located in a City redevelopment area and in an area

where there is a substantial number of deteriorated or deteriorating buildings, and designed to address one or more of the conditions that qualified the area as “slum/ blighted.”

Projects may qualify outside a slum or blighted area on a spot blight basis. Activities include acquisition, demolition, rehabilitation, relocation, and historic preservation. Under this standard, rehabilitation of a building or a house is limited to the extent necessary to eliminate substandard conditions detrimental to public health and safety.

National Objective No. 3 - Activities Designed to Meet Community Development Needs Having a Particular Urgency

Activities must be designed to alleviate existing conditions that pose a serious and immediate threat to the health or welfare of the community that became urgent within the past 18 months. No other funding sources are available to address the problem. Again, projects that meet either National Objective No. 1 or 2 do not need to meet this objective. **Note:** This objective is difficult to achieve because the City must demonstrate that it has used all of its available resources prior to qualifying. This occurs only in a major disaster.

ELIGIBLE CDBG ACTIVITIES

In addition to meeting one of the above national objectives, the activity must also be eligible, according to HUD-approved criteria. Eligible activities include the following:

Acquisition, design, construction, rehabilitation, or installation of certain publicly-owned facilities such as:

- Parks, playgrounds and recreational facilities
- Senior centers, except 24-hour care facilities
- Centers for the handicapped, except 24-hour care facilities
- Neighborhood facilities
- Parking facilities
- Street improvements including curbs, gutters, sidewalks, lights and street pavement
- Water system improvements including fire hydrants
- Flood, drainage, or sewer facilities

Expansion and improvement in the quantity and quality of public services, principally for lower income persons (15% limitation).

Acquisition of property that is of historic value; appropriate for beautification or conservation of open spaces; or appropriate for low- or moderate-income housing.

Elimination of conditions that are detrimental to health, safety and public welfare through interim rehabilitation such as:

- Demolition of buildings and clearance of land that may be a health hazard to the community
- Interim assistance or temporary help to alleviate harmful or dangerous conditions
- Removal of architectural barriers that restrict mobility of persons with disabilities
- Code enforcement in designated targeted areas

Historic preservation activities such as restoring and preserving properties formally designated as historic structures.

Conservation and improvement of the housing stock through rehabilitation of homes belonging to lower income persons.

Assistance to lower income first-time home buyers.

Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.

Eligible planning and environmental design cost.

Eligible economic development activities such as creation of jobs for persons of low- and moderate-income through the expansion of business opportunities by providing financial incentives to small businesses. **Note:** There are additional federal requirements for qualifying projects under this provision. Interested persons should discuss their proposal with City staff prior to submitting an application.

INELIGIBLE CDBG ACTIVITIES

- Buildings for the general conduct of government such as city halls, courthouses, and police stations (Note: Police substations may be built in CDBG-eligible areas.)
- Stadiums, sports arenas, auditoriums, museums, and central libraries (Note: Branch libraries and community centers may be built in CDBG-eligible areas)
- Airports, subways, bus or other stations
- Expenses of general government for operation and maintenance of public facilities
- Political activities
- Direct income payments to residents
- New housing construction (except when done by a community-based development organization recognized by HUD)

HOME PROGRAM

HUD also administers the Home Investment Partnerships (HOME) Program as authorized by the 1990 National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992. The intent of the HOME Program is to expand the supply of decent, safe, sanitary and affordable housing. This is done through the following:

- Community Housing Development Organizations (CHDO). HUD requires that 15% of the City's HOME funds be set aside for CHDO activities. Funds are restricted to qualified nonprofit organizations with 501(c)(3) tax status and other special requirements.
- Home ownership assistance
- Rehabilitation
- New construction of affordable housing
- Tenant-based rental assistance
- Acquisition of property for affordable housing

HOME PROGRAM ELIGIBILITY

In order for an activity or program to be eligible for HOME funding, it must qualify by meeting the following guidelines:

- 100% of all funding must be used to benefit households or persons with incomes less than 80% of the Fresno's median income.
- All HOME-funded projects must have 25% non-federal matching funds.
- The HOME program has strict long-term affordability requirements which differ based on the type of project and the amount of funding requested per unit.
- Prevailing wage requirements are different from the CDBG program. Federal prevailing wages (Davis-Bacon) are triggered when there are 8 or more units assisted with CDBG funds. For the HOME program, it is 12 or more units.

INELIGIBLE HOME ACTIVITIES

- Emergency repair programs;
- Project reserve accounts;

- Public housing projects;
- Properties receiving Rental Rehabilitation Program funds;
- Commercial properties;
- Homeless shelters;
- Project-based rental assistance or substitution of Section 8 assistance for troubled HUD-insured projects;
- Preservation of affordable housing projects;
- Matching funds as the non-federal match for other programs except to match McKinney Act funds;
- During the period of affordability, properties previously assisted with HOME funds;
- Temporary shelters;
- Other properties that do not constitute permanent housing such as residential health care facilities and publicly run residential institutions; or
- Acquisition of City or agency-owned properties.

EMERGENCY SHELTER GRANT (ESG) PROGRAM

HUD administers the Emergency Shelter Grant (ESG) Program as authorized under the McKinney Act in 1990. The purpose of the ESG Program is to enable homeless individuals and families to move toward independent living. An emergency shelter means any facility which has as its primary purpose to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless. The agency must be a nonprofit organization recognized by the Internal Revenue Service at the time of application. The agency must have operated a shelter for at least twelve months prior to applying for ESG funds.

- Renovation, major rehabilitation or conversion of buildings for use as emergency shelters for the homeless.
- Essential services to homeless persons (e.g., counseling services concerned with employment, health, drug abuse and education) (limitation of 20% of the ESG grant)
- Operations, which includes utilities, insurance, security, equipment, food, repairs, and maintenance, and excludes administrative staff
- Homeless prevention activities

The National Affordable Housing Act of 1990 and the Housing and Community Development Act of 1992 permits up to 10 percent of the ESG grant to be used for the City staff costs associated with the operation (maintenance and security) of a shelter. Facilities utilizing ESG funds for major rehabilitation must be used as a homeless facility for at least ten years. Minor rehabilitation requires that the facility be used for at least three years. Facilities that will house families with children will be required to demonstrate that their facility meets the requirements of the Lead-Based Paint Poisoning Prevention Act.

The ESG Program requires an amount equal to or greater than the ESG grant in matching funds. This match can be in the form of cash donations, fund raising drives, non-HUD governmental grants, volunteer labor (rate: \$5/hour), and donated materials or buildings.

ESG PROGRAM ELIGIBILITY

In order for a project to be eligible for ESG funding, all funds must be used for the following:

- Renovation, major rehabilitation or conversion of buildings for use as emergency shelters for the homeless. Note: Acquisition and new construction of shelters are ineligible expenses.
- Provision of essential services to the homeless (limited to 20 percent of project costs).
- Payment of shelter operations such as utilities, insurance, maintenance and security, rent, repair, fuels and equipment. The project excludes administrative staffing expenses.
- Some homeless prevention activities

INELIGIBLE ESG ACTIVITIES

- Assistance to organizations that require religious instruction or counseling, as part of the provision of homeless assistance. Renovation of certain buildings belonging to primarily religious organizations are defined by HUD as prohibited from receiving ESG funding.

APPENDIX C
FEDERAL REQUIREMENTS FOR CITIZEN PARTICIPATION PLAN
(From Title 24 of the Code of Federal Regulations, Part 91)

91.105 Citizen participation plan; local governments.

(a) Applicability and adoption of the citizen participation plan.

(1) The jurisdiction is required to adopt a citizen participation plan that sets forth the jurisdiction's policies and procedures for citizen participation. (Where a jurisdiction, before February 6, 1995, adopted a citizen participation plan that complies with Section 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(a)(3) but will need to amend the citizen participation plan to comply with provisions of this section, the citizen participation plan shall be amended by the first day of the jurisdiction's program year that begins on or after 180 days following February 6, 1995.)

(2) Encouragement of citizen participation.

(i) The citizen participation plan must provide for and encourage citizens to participate in the development of the consolidated plan, any substantial amendments to the consolidated plan and the performance report.

(ii) These requirements are designed especially to encourage participation by low- and moderate-income persons, particularly those living in slum and blighted areas and in areas where CDBG funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods, as defined by the jurisdiction. A jurisdiction also is expected to take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

(iii) The jurisdiction shall encourage, in conjunction with consultation with public housing authorities, the participation of residents of public and assisted housing developments, in the process of developing and implementing the consolidated plan along with other low-income residents of targeted revitalization areas in which the developments are located. The jurisdiction shall make an effort to provide information to the housing agency about consolidated plan activities related to its developments and surrounding communities so that the housing agency can make this information available at the annual public hearing required under the Comprehensive Grant program.

(3) Citizen comment on the citizen participation plan and amendments. The jurisdiction must provide citizens with a reasonable opportunity to comment on the original citizen participation plan and on substantial amendments to the citizen participation plan, and must make the citizen participation plan public. The citizen participation plan must be in a format accessible to persons with disabilities, upon request.

(b) Development of the consolidated plan. The citizen participation plan must include the following minimum requirements for the development of the consolidated plan.

(1) The citizen participation plan must require that, before the jurisdiction adopts a consolidated plan, the jurisdiction will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction 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-income. The citizen participation plan also must set forth the jurisdiction's plans to minimize displacement of persons and to assist any persons displaced, specifying the types and levels of assistance the jurisdiction will make available (or require others to make available) to persons displaced, even if the jurisdiction expects no displacement to occur. The citizen participation plan must state when and how the jurisdiction will make this information available.

(2) The citizen participation plan must require the jurisdiction to publish the proposed consolidated plan in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments. The citizen participation plan must set forth how the jurisdiction will publish the proposed consolidated plan and give reasonable opportunity to examine the contents of the proposed consolidated plan. The requirement for publishing may be met by publishing a summary of the proposed consolidated plan in one or more newspapers of general circulation, and by making copies of the proposed consolidated plan available at libraries, government offices, and public places. The summary must describe the contents and purpose of the consolidated plan, and must include a list of the locations where copies of the entire proposed consolidated plan may be examined. In addition, the jurisdiction must provide a reasonable number of free copies of the plan to citizens and groups that request it.

(3) The citizen participation plan must provide for at least one public hearing during the development of the consolidated plan. See paragraph (e) of this section for public hearing requirements, generally.

(4) The citizen participation plan must provide a period, not less than 30 days, to receive comments from citizens on the consolidated plan.

(5) The citizen participation plan shall require the jurisdiction to consider any comments or views of citizens received in writing, or orally at the public hearings, in preparing the final consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan.

(c) Amendments.

(1) Criteria for amendment to consolidated plan. The citizen participation plan must specify the criteria the jurisdiction will use for determining what changes in the jurisdiction's planned or actual activities constitute a substantial amendment to the consolidated plan. (See Sec. 91.505.) It must include among the criteria for a substantial amendment changes in the

use of CDBG funds from one eligible activity to another.

(2) The citizen participation plan must provide citizens with reasonable notice and an opportunity to comment on substantial amendments. The citizen participation plan must state how reasonable notice and an opportunity to comment will be given. The citizen participation plan must provide a period, not less than 30 days, to receive comments on the substantial amendment before the amendment is implemented.

(3) The citizen participation plan shall require the jurisdiction to consider any comments or views of citizens received in writing, or orally at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the substantial amendment of the consolidated plan.

(d) Performance reports.

(1) The citizen participation plan must provide citizens with reasonable notice and an opportunity to comment on performance reports. The citizen participation plan must state how reasonable notice and an opportunity to comment will be given. The citizen participation plan must provide a period, not less than 15 days, to receive comments on the performance report that is to be submitted to HUD before its submission.

(2) The citizen participation plan shall require the jurisdiction to consider any comments or views of citizens received in writing, or orally at public hearings in preparing the performance report. A summary of these comments or views shall be attached to the performance report.

(e) Public hearings.

(1) The citizen participation plan must provide for at least two public hearings per year to obtain citizens' views and to respond to proposals and questions, to be conducted at a minimum of two different stages of the program year. Together, the hearings must address housing and community development needs, development of proposed activities, and review of program performance. To obtain the views of citizens on housing and community development needs, including priority nonhousing community development needs, the citizen participation plan must provide that at least one of these hearings is held before the proposed consolidated plan is published for comment.

(2) The citizen participation plan must state how and when adequate advance notice will be given to citizens of each hearing, with sufficient information published about the subject of the hearing to permit informed comment. (Publishing small print notices in the newspaper a few days before the hearing does not constitute adequate notice. Although HUD is not specifying the length of notice required, it would consider two weeks adequate.)

(3) The citizen participation plan must provide that hearings be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. The citizen participation plan must specify how it will meet these requirements.

- (4) The citizen participation plan must identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.
- (f) Meetings. The citizen participation plan must provide citizens with reasonable and timely access to local meetings.
- (g) Availability to the public. The citizen participation plan must provide that the consolidated plan as adopted, substantial amendments, and the performance report will be available to the public, including the availability of materials in a form accessible to persons with disabilities, upon request. The citizen participation plan must state how these documents will be available to the public.
- (h) Access to records. The citizen participation plan must require the jurisdiction to provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's consolidated plan and the jurisdiction's use of assistance under the programs covered by this part during the preceding five years.
- (i) Technical assistance. The citizen participation plan must provide for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under any of the programs covered by the consolidated plan, with the level and type of assistance determined by the jurisdiction. The assistance need not include the provision of funds to the groups.
- (j) Complaints. The citizen participation plan shall describe the jurisdiction's appropriate and practicable procedures to handle complaints from citizens related to the consolidated plan, amendments, and performance report. At a minimum, the citizen participation plan shall require that the jurisdiction must provide a timely, substantive written response to every written citizen complaint, within an established period of time (within 15 working days, where practicable, if the jurisdiction is a CDBG grant recipient).
- (k) Use of citizen participation plan. The jurisdiction must follow its citizen participation plan.
- (l) Jurisdiction responsibility. The requirements for citizen participation do not restrict the responsibility or authority of the jurisdiction for the development and execution of its consolidated plan.

APPENDIX D
MAP OF ELIGIBLE CDBG AREAS

APPENDIX E

LIST OF AGENCIES

Service to Persons with Disabilities/Frail Elderly - Non Profits

- 1) Family Alliance for the Mentally Ill - Fresno (FAMI)
- 2) City Advisory Committee for Employment of Persons with Disabilities
- 3) Community Hospice
- 4) Protection and Advocacy
- 5) Center for Independent Living
- 6) Friendship Center for the Blind
- 7) Central Valley Regional Center
- 8) Valley Caregivers Resource Center
- 9) Glen Agnes Community Center/Elderly Housing
- 10) Break the Barriers
- 11) Association for Retarded Citizens
- 12) Ferger-Thomas Friendship Club

Service to Persons with Disabilities/Frail Elder - Public Agencies

- 1) City FAX Express
- 2) City Americans with Disabilities Act Advisory Committee
- 3) County Mental Health Department (Adult System of Care)
- 4) Fresno-Madera Area Agency on Aging
- 5) Fresno County Mental Health Board
- 6) State of California Area Board #8 on Disabilities
- 7) Fresno Pacific College Older Adults Social Services (OASIS)
- 8) Housing Authority
- 9) TRIAD
- 10) Mobilehome Owners Protection Seekers (MOPS)

Ethnic/Minorities/Farmworkers - Nonprofits/Others

- 1) Lao Family Community of Fresno
- 2) Vietnamese Association
- 3) National Association for the Advancement of Colored People (NAACP)
- 4) County Office of Migrant Education
- 5) United Farm Workers
- 6) Hmong Women's Association
- 7) Central California Refugee Forum
- 8) Centro La Familia Advocacy Program
- 9) Fair Housing Council
- 10) Native American Heritage Commission
- 11) Stone Soup
- 12) Fresno Interdenominational Refugee Ministries (FIRM)
- 13) Cambodian Community Association
- 14) Center for New Americans

Families, Children, Literacy - Nonprofits/Others

- 1) Comprehensive Youth Services
- 2) Interagency Council for Children and Families
- 3) County Human Services System
- 4) Fresno Day Care
- 5) County Office of Education
- 6) Hope Now for Youth
- 7) Big Brothers-Big Sisters
- 8) Boys and Girls Clubs of Fresno County
- 9) Cornerstone Gangs
- 10) House of Hope
- 11) Centro La Familia Child Abuse Prevention Program
- 12) Fresno Unified School District
- 13) Chicano Youth Center
- 14) YMCA
- 15) Economic Opportunities Commission

Land Use and Development

- 1) Redevelopment Agency
- 2) Building Industry Association
- 3) City Development Department
- 4) City Architect
- 5) Council of Fresno County Governments
- 6) American Planning Association
- 7) American Institute of Architects
- 8) Fresno Rental Housing Association
- 9) Community Housing Council
- 10) Self Help Enterprises
- 11) Local Agency Formation Commission
- 12) Western Center on Law and Poverty

Home Ownership and Rental Support Services

- 1) Professional Insurance Agents Association
- 2) Fresno Association of Realtors
- 3) Sierra Pacific Home Loans
- 4) Banking Industry
- 5) Fresno Housing Rental Association
- 6) California State University, Fresno, School of Business
- 7) Title Companies
- 8) Appraisal Industry
- 9) Housing Authority
- 10) State Department of Insurance
- 11) State Housing Finance Corporation
- 12) Mobile Home Owners Protection Seekers (MOPS)
- 13) Mobilehome Park Owners Association
- 14) Consumer Credit Counseling Services (CCCS)
- 15) Non-Profit Housing Association of Northern California

- 16) Southern California Association of Nonprofit Housing Developers (SCANPH)

Housing Rehabilitation

- 1) Fresno County Environmental Health
- 2) Fresno City College Building Trades Department
- 3) University Hope
- 4) Conservation Corps
- 5) Fresno Urban Neighborhood Development Corporation (FUND)
- 6) California Coalition for Rural Housing

Emergency Services, Health, Homeless/Transitional/Independent Living & Support Group Housing

- 1) Central Valley AIDS Team
- 2) Community Food Bank
- 3) EOC Sanctuary
- 4) Vet Center
- 5) ARK
- 6) Fresno Rescue Mission
- 7) Poverello House
- 8) Marjaree Mason Center
- 9) Turning Point
- 10) County Department of Community Health
- 11) Frances X. Singleton
- 12) Maroa Home
- 13) Veterans Administration Medical Center
- 14) Central San Joaquin HIV Consortium
- 15) LOVE Inc.
- 16) Evangel Home
- 17) Fresno County Emergency Housing Center
- 18) Habitat of Humanity
- 19) Hmong Youth Foundation
- 20) Howard House
- 21) Masten Towers
- 22) Spirit of Woman
- 23) Foundation of Fresno
- 24) U.S. Department of Housing and Urban Development (HUD)
- 25) United Way
- 26) Veterans Crisis Program
- 27) West Care
- 28) Continuum of Care Collaborative
- 29) Institute for Veterans Transition
- 30) Local Organizing Committee

Local Government

- 1) City Police Department
- 2) City Parks, Recreation and Community Services Department
- 3) City Code Enforcement Division

- 4) City Building Division
- 5) City Fire Department
- 6) City Budget Division
- 7) City Public Works Department
- 8) City Utilities Department
- 9) City Manager's Office
- 10) Fresno Metropolitan Flood Control District
- 11) City Development Department
- 12) City Airports
- 13) City Attorney's Office
- 14) Transportation Authority/Don Demers

Fair Housing Education & Enforcement

- 1) Fair Housing Council
- 2) California Civil Rights Latino Network
- 3) Central California Legal Services
- 4) Community Housing Leadership Board
- 5) California Department of Fair Employment and Housing
- 6) California Rural Legal Assistance
- 7) Centro La Familia

Unemployment, Social Services, Human Services

- 1) Workforce Connection
- 2) Fresno County Human Services System
- 3) Fresno Workforce Investment Board
- 4) City Disadvantaged Business Program
- 5) Fresno County Employment and Temporary Assistance Program

Churches, Faith Based Support Services

- 1) Valley Catholic Charities
- 2) Fresno Metro Ministry
- 3) Victory Life Fellowship
- 4) Holy Cross Shelter for Women
- 5) Salvation Army
- 6) Fresno Leadership Foundation
- 7) Care Fresno
- 8) World Impact
- 9) Evangelicals for Social Action
- 10) The Way Ministries

Historic Preservation and Cultural Programs

- 1) Historic Preservation Commission
- 2) Tower District Preservation Association, Inc.
- 3) Fresno City and County Historical Society
- 4) Roosevelt Implementation Plan Committee
- 5) Historic Preservation Specialist
- 6) Arte Americas

- 7) African American Historical & Cultural Museum of the San Joaquin Valley
- 8) Chinatown Revitalization

Economic Development

- 1) City Manager's Office
- 2) City/County Chamber of Commerce
- 3) Economic Development Corporation
- 4) Hispanic Chamber of Commerce
- 5) City Redevelopment Agency
- 6) CSUF, Fresno Central Valley Futures Institute
- 7) Roeding Business Park Redevelopment Project
- 8) Fresno Revitalization Corporation
- 9) Central Valley Business Incubator
- 10) Fresno City College, California Manufacturing Technological Center
- 11) Central California Small Business
- 12) Small Business Administration
- 13) Valley Small Business Development Corporation
- 14) Developing Resources for Employment & Microenterprises (DREAM)
- 15) Chinatown Revitalization
- 16) Tower District Marketing Group
- 17) Downtown Association
- 18) Better Belmont Association
- 19) Fresno Area Hispanic Chamber of Commerce
- 20) San Joaquin Valley Black Chamber of Commerce

Neighborhood Improvements

- 1) Ivy Carver Association
- 2) Lane Neighborhood Association
- 3) Lowell Jefferson Consortium
- 4) Mayfair/Yosemite Neighborhood Association
- 5) Heaton/Anthony Neighborhood Association
- 6) Bethune/Sunset Neighborhood
- 7) Hidalgo Neighborhood Association
- 8) Rowell Community Association
- 9) Addams Neighborhood Association
- 10) Kirk Neighborhood Association
- 11) Roosevelt Residents Association
- 12) Jefferson Area Neighborhood Association (JANA)

(Note: The above list includes groups used at the time of the approval of the Citizen Participation. This list will continue to evolve as groups are formed, identified and dissolved. Such changes would not require an amendment to the Citizen Participation Plan.)

APPENDIX F
LIST OF NEWSPAPERS AND TELEVISION AND RADIO STATIONS

Newspapers:

Business Journal
1315 Van Ness, #200
Fresno, CA 93721

California Advocate
1555 "E" Street
Fresno, CA 93706

Fresno Bee
1626 "E" Street
Fresno, CA 93706

Neighbors Publications
3425 N. First Street
Fresno, CA 93726

Vida En El Valle
3425 N. First Street
Fresno, CA 93726

Television:

Valley Public Television
KVPT Channel 18/65
1544 Van Ness
Fresno, CA 93721

KFTV Channel 21
3239 West Ashlan Avenue
Fresno, CA 93722

KSEE Channel 24
5035 East McKinley
Fresno, CA 93727

KMPH Channel 26
5111 East McKinley Avenue
Fresno, CA 93727

KFSN Channel 30
1777 "G" Street
Fresno, CA 93706

KJEO Channel 47
4880 North First
Fresno, CA 93726

Radio Stations:

Asian Broadcasting
4791 McKinley
Fresno, CA 93703

KFRE 940 AM Radio Station
5087 McKinley
Fresno, CA 93727

KMJ 580 Radio Station
1071 W. Shaw
Fresno, CA 93711

KMPH Newsradio 107.5 FM
5087 McKinley
Fresno, CA 93727

KVPR Valley Public Radio
3437 W. Shaw
Fresno, CA 93711

Radio Bilingue Inc.
5005 E. Belmont
Fresno, CA 93727

La Buena
1110 E. Olive
Fresno, CA 93728

Note: This list may be amended as changes occur without requiring an amendment to the Plan.

APPENDIX G EXAMPLE OF LEGAL NOTICE

The City of Fresno is required by the U.S. Department of Housing and Urban Development (HUD) to prepare an Annual Action Plan for the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and Home Investment Partnership (HOME) Programs. On Wednesday, December 12, 2001, at 5:00 p.m., the Housing and Community Development Commission (HCDC) will be conducting a public hearing to review Program Year 2000-2001 accomplishments and performance.

Funding available for the three programs are as follows for 2002-2003: CDBG: \$8.415 million; HOME: \$3.9 million and ESG: \$291,000.

The hearing will also be an opportunity for the HCDC to “obtain the views of citizens on housing and community development needs,” as required by the HUD. On May 16, 2000, the City adopted a four-year Consolidated Plan for 2000-2004 that described the City’s overall needs and priorities for the four year period. The hearing will be conducted in the City Council Chambers, Fresno City Hall, 2nd floor, 2600 Fresno Street, Fresno. The HCDC will not be considering specific funding proposals for Program Year 2002-2003 at the December 12th hearing.

The City will provide translators, upon request and will make special accommodations for persons with disabilities, so they can participate. Persons needing these services must contact Dean Huseby at 498-2637 by January 2, 2002, at 5:00 p.m.

Technical assistance workshops have also been scheduled for January 31, 2002, from 5:30-7:30 p.m. and February 1, 2002, from 3:00-5:00 p.m. in the Fresno City Hall, Meeting Room A, Second Floor, 2600 Fresno Street, Fresno. The workshops are intended to familiarize persons on the eligibility requirements of the three funding programs. Funding application forms will be distributed at the meeting and, thereafter, in the Department of Housing and Neighborhood Revitalization.

For additional information contact:

City of Fresno
Department of Housing and Neighborhood Revitalization
2600 Fresno Street, Room 3076
Fresno, CA 93721-3605

Phone: (559) 498-1135

FAX: (559) 488-1078

E - M a i l :

dean.huseby@ci.fresno.ca.us

Material can also be viewed on the City web page at www.ci.fresno.ca.us. Click on Neighborhood Revitalization under City

From the desk of...

Dean Huseby
Department of Housing and Neighborhood Revitalization
2600 Fresno Street, Room 3076
Fresno, CA 93721-3605

(559) 498-2637
Fax: (559) 488-1078

Departments.

APPENDIX H LOCATIONS FOR PUBLIC DOCUMENTS

The Annual Action Plan, Consolidated Plan, Consolidated Annual Performance and Evaluation Report, Citizen Participation Plan and other program related material may be reviewed in the following locations:

Fresno County Public Library Downtown Branch
Reference Desk
2420 Mariposa
Fresno, CA

City Clerk's Office
Fresno City Hall
2600 Fresno Street, Second Floor
Fresno, CA

Department of Housing and Neighborhood Revitalization (HNR)
City Hall
2600 Fresno Street, Room 3076
Fresno, CA 93721
(559) 498-1135

Note: Most branch libraries in the City of Fresno will have a copy of these documents as well. If they do not, please contact HNR staff at the telephone number above.

The public may also view the plan on the City's web page at www.ci.fresno.ca.us Once on the City's web page, click on City Department, then select Neighborhood Revitalization, then the document that you are wanting to view. If a person is wanting to print out the document, it is advisable to download the document into their computer (Save As) and then open the document back up from your computer in Acrobat Reader to print the document. Otherwise the process can be very lengthy. If a person does not have the Acrobat Reader program, you can download it from the Neighborhood Revitalization web page free of charge. If a person has problems, they may call City staff at 498-1135.

APPENDIX I
AFFIRMATIVE MARKETING POLICY
(EQUAL HOUSING OPPORTUNITY)

STATEMENT

This Affirmative Marketing Policy (“the Policy”) is developed for use in Home Investment Partnership (“HOME”)-funded projects in accordance with the HOME Program regulations, including but not limited to 24 CFR 92.351, of the of the U.S. Department of Housing and Urban Development (“HUD”). The Policy is a commitment of the legislative body, City staff, and the HOME-funded participant (“Beneficiary”). The Beneficiary shares responsibility with the City of Fresno in informing the public about the Federal Fair Housing laws, soliciting eligible persons without regard to race, color, national origin, sex, sexual orientation, source of income, religion, familial status, or disability into the affordable housing market and evaluating the effectiveness of these marketing efforts.

This Affirmative Marketing Policy is documented and maintained in the Department of Housing and Neighborhood Revitalization files, and shall be included in all HOME project proposals and agreements and HOME case files. The Beneficiary is held to the terms of the Policy by the requirements in the applicable HOME or HOME/Community Housing Development Organization (“CHDO”) Agreement.

PURPOSE

In accordance with the regulations of the HOME Program and in furtherance of the City of Fresno’s commitment to non-discrimination and equal housing opportunity, the City establishes procedures to affirmatively market units constructed or rehabilitated under the HOME Program.

It is the Affirmative Marketing Policy of the City of Fresno to assure that individuals who normally might not apply for available housing units because they are socially and/or economically disadvantaged:

- be informed of available units
- be encouraged to apply
- have an equal opportunity to rent/own their own units

1. METHODS FOR THE CITY TO USE TO INFORM THE PUBLIC, POTENTIAL TENANTS, AND POTENTIAL OWNERS ABOUT FEDERAL FAIR HOUSING LAWS AND AFFIRMATIVE MARKETING POLICIES AND PROCEDURES

- A. The City of Fresno Housing and Neighborhood Revitalization Department shall be responsible for implementing the Affirmative Marketing Policy and evaluating its effectiveness as required by the HOME Program.
- B. The Housing and Neighborhood Revitalization Department shall inform the community about its Affirmative Marketing Policy through periodic updates with the

City's Housing and Community Development Commission and Citizens Advisory Committee, as well as through training workshops with its HOME and HOME/CHDO applicants.

- C. All graphic presentations by the City concerning the HOME Program shall display the HUD Equal Housing Opportunity logo or slogan.
- D. At the time of HOME funding, the City of Fresno shall also provide the Beneficiary copies of the CALIFORNIA TENANTS produced by the State Department of Consumer Affairs or a similar document. The Beneficiary shall provide initial homeowners, tenants, and rental property owners with copies.
- E. The City shall continue its practice of providing general information and telephone reference numbers to persons contacting the Housing and Neighborhood Revitalization Department with questions regarding Affirmative Marketing, Federal Fair Housing, tenant's rights, assisted housing, and correction of substandard conditions in tenant-occupied dwellings.

2. **REQUIREMENTS AND PRACTICES EACH BENEFICIARY OF A HOUSING PROJECT USING HOME PROGRAM FUNDS MUST ADHERE TO IN ORDER TO CARRY OUT THE CITY'S AFFIRMATIVE MARKETING POLICY**

It is the City of Fresno's Policy to require that each Beneficiary of a housing project completed or partially completed with HOME Program funds:

- A. Incorporate an Equal Housing Opportunity statement and logo in its correspondence which shall be used relating to the HOME Program.
- B. Purchase advertisements in the Fresno Bee and other minority newspapers advertising vacant units in advance of selecting a buyer or tenant without holding units off the market. All ads must contain an Equal Housing Opportunity statement and logo.
- C. Notify the Housing Authorities of the City and County of Fresno when vacant units are available for purchase or rent.
- D. Notify the City's Housing and Neighborhood Revitalization Department when vacant units are available for purchase or rent.

3. **PROCEDURES TO BE USED BY BENEFICIARIES TO INFORM AND SOLICIT APPLICATIONS FROM PERSONS IN THE HOUSING MARKET AREA WHO ARE NOT LIKELY TO APPLY FOR HOUSING WITHOUT SPECIAL OUTREACH**

- A. In order to solicit applications from persons in the housing market area who are not likely to apply for housing under the HOME Program without special outreach, each Beneficiary in conjunction with the Housing and Neighborhood Revitalization (HNR) staff shall send notices of vacant units, or units that will become vacant

within 30 days to an approved mailing list maintained by the HNR staff for the required period of affordability as referenced in the applicable HOME Agreement. This list will include but not be limited to the following:

- Housing Authorities of the City and County of Fresno, Fair Housing Office, Social Security Office, Veterans Administration Office, or other agencies where socially and economically disadvantaged individuals are receiving services.

4. **RECORDS THAT WILL BE KEPT DESCRIBING ACTIONS TAKEN BY THE CITY OF FRESNO AND BENEFICIARIES TO AFFIRMATIVELY MARKET UNITS AND RECORDS TO ASSESS ACTIONS**

A. The City of Fresno will keep the following records:

1. Copies of all meeting agendas and minutes of the City's Housing and Community Development Commission and Citizens Advisory Committee pertaining to this Policy, and all agendas and training materials of any HOME/CHDO training workshop pertaining to this Policy.
2. Copies of correspondence, agreements, reports and any home buyer or tenant surveys conducted before and after new construction or rehabilitation of HOME-funded units.

B. The City shall also request owners of property assisted under HOME to maintain records of how vacancies were advertised. The records should also show how applications filed by Hispanics, African Americans, Asians/Pacific Islanders, American Indians, persons with disabilities, and women were processed following completion by the applicant. The City shall have the Beneficiary submit annual reports through June 30th to be submitted by July 31st, as established by the HOME or HOME/CHDO Agreement, identifying those served. This information shall be included in the Consolidated Annual Performance and Evaluation Report (CAPER). This information shall be required for the period of affordability as referenced in the applicable HOME Agreement.

5. **DESCRIPTION OF HOW THE CITY OF FRESNO WILL ASSESS THE SUCCESS OF AFFIRMATIVE MARKETING ACTIONS, AND WHAT CORRECTIVE ACTIONS WILL BE TAKEN**

A. The City will assess the effectiveness of its Affirmative Marketing Policy on an annual basis by August 31st and will include a summary of the "good faith efforts" taken by the City and by HOME/CHDO Beneficiaries in the CAPER.

B. The City will compare the information compiled in the manner described under Section 4: "Record keeping," and evaluate the degree to which statutory and policy objectives were met. If the required steps were taken, the City will determine that good faith efforts have, in fact, been made.

- C. To determine results, the City may examine whether or not specific groups in the City of Fresno applied for or became tenants or owners of HOME- or HOME/CHDO-funded units that were affirmatively marketed. If the City finds that specific groups are represented, particularly Hispanics, African Americans, Asians/Pacific Islanders, American Indians, persons with disabilities and women, the City will assume that the Affirmative Marketing procedures were effective. If one or more groups are not represented within the context of existing neighborhood composition, the City will review its procedures to determine what changes, if any, might be made to make the Affirmative Marketing efforts more effective.
- D. The City of Fresno will take corrective action if it is determined that a Beneficiary has failed to carry out Affirmative Marketing efforts as required. If a Beneficiary continues to neglect responsibilities made incumbent by the terms of the HOME or HOME/CHDO Agreement, the City will consider taking one or both of the following actions:
 - 1. Declare the Beneficiary disqualified from any further assistance made available under the HOME Program.
 - 2. Notify the Beneficiary of the HOME Program funds that there is a violation of the terms of the HOME or HOME/CHDO Agreement and that the City may exercise its right to require immediate repayment of the grant or loan.
- E. The Housing and Neighborhood Revitalization Department shall not proceed with corrective action without allowing time and effort by staff to counsel the Beneficiary in accordance with the terms of the HOME or HOME/CHDO Agreement.
- F. The City of Fresno will carry out assessment activities and complete a written assessment of Affirmative Marketing efforts in accordance with each HOME or HOME/CHDO Agreement in compliance with HUD regulations.

APPENDIX J
INTERIM ASSISTANCE ACTIVITIES

There are two types of interim assistance activities, both of which deal with emergency activities. The first type is an activity that is required to make immediate interim repairs to prevent further deterioration of public improvements and facilities. There needs to be a commitment by the City to make permanent improvements, when practicable. Examples of eligible activities include repairing streets, sidewalks, parks, playgrounds, utilities and public buildings. Neighborhood cleanup programs are also eligible under this provision on a one-time basis.

The second type of interim assistance activity would alleviate emergency conditions threatening public health and safety. For an activity to qualify, the Mayor, or his/her designee, must determine that an emergency condition exists and requires immediate resolution. Examples of this type of activity include those listed in the previous paragraph, except parks and playgrounds and are limited to the extent necessary to alleviate the emergency. It also includes clearance of streets, including snow removal and improvement of private properties.

Due to their emergency nature, interim assistance activities are exempt from the citizen participation, public hearing, and legal noticing processes and environmental assessment requirements. However, these are not exempt from other federal regulations, such as prevailing wage rates and procurement requirements. If necessary, the activity can take place before advising the City Council and Housing and Community Development Commission (HCDC), but the City Council and HCDC will be advised, as soon as practicable, regarding the activities. Interim assistance activities must still meet at least one national objective of the Community Development Block Grant (CDBG) program to be an eligible interim assistance activity. (See Appendix B for National Objectives.)

APPENDIX K RELOCATION PLAN

Note: This Relocation Plan only applies when displacement is caused by projects funded with U.S. Department of Housing & Urban Development (HUD) funds. Therefore, the policies and procedures set forth in this plan may not be applicable for non-HUD funded activities, since other relocation and displacement laws apply when State or local funds are used. For questions regarding specific requirements, citizens are encouraged to contact the City of Fresno Department of Housing and Neighborhood Revitalization at (559) 498-1136.

Legislative Basis: Whenever there is a property to be acquired and a person is to be permanently or temporarily displaced from their residence, the City will follow the procedures described in HUD's Uniform Relocation Assistance and Real Property Policy Act of 1970 (URA); Section 104(d) of the Housing and Community Development Act of 1974, as amended and where applicable to the specific HUD program; and HUD Handbook 1378 on Tenant Assistance Relocation and Real Property Acquisition. The URA provides protection to all persons regardless of income. Section 104(d) provides additional protection to lower income persons who have been displaced. This section also requires that the City will replace any low income housing unit demolished or converted to another use on a one-for-one basis when the demolition or conversion involves using CDBG funds.

A specific anti-displacement and relocation assistance plan may be required in connection with a specific development project assisted with CDBG, HOME or ESG funds. Such plan will be consistent with the Relocation Plan described here, in the Citizens Participation Plan.

Definition of Displaced Person: HUD defines a displaced as any person (individual, family, business, farm, nonprofit organization) that moves from the real property, or moves his/her personal property from the real property, permanently and involuntarily, which was a direct result of rehabilitation, demolition or acquisition of real property for projects covered by this Plan. All displaced persons will be informed of their rights in accordance with HUD relocation requirements and issued a copy of the pertinent HUD information brochures pertaining to relocation assistance.

Purpose and Objective of the Plan: The purpose of the relocation plan is to give the citizens an overview of what may or may not trigger relocation; to describe the obligations of the City or its subrecipients; and to describe City policies where the federal law provides some discretion.

It is the primary objective of the City of Fresno to minimize the adverse impact of, or avoid the need altogether for, the displacement of individuals as a result of activities funded with CDBG, HOME and ESG funds. To achieve this objective, the City will take into consideration, to the greatest extent feasible, the following:

1. **Site Consideration:** Consider the impact of displacement, when selecting a site or sites during the project planning phase. When possible, develop new public facilities and improvements on undeveloped sites, although a site that requires displacement should not automatically eliminate that site from consideration. An analysis,

including all costs involved, will be done to determine if feasible alternatives exist.

2. **Phasing Projects:** Phase the rehabilitation of apartment units to allow tenants to remain during and after rehabilitation by working with empty units or buildings first.
3. **Opportunity to Return:** Assure, whenever possible, that the residential occupants of the buildings to be rehabilitated are offered an opportunity to return.
4. **Vouchers:** Utilize existing HUD Section 8 rental voucher programs to house eligible persons who must be relocated temporarily during rehabilitation. The voucher program assists the family with the rent payment.
5. **Provision of Information:** Provide displaced homeowners and renters with information on available assistance. Relocation benefits shall be provided to all low or moderate income persons who occupied housing that was demolished or converted to a use other than for low or moderate income housing. The benefits include reimbursement for actual and reasonable moving expenses, security deposits, credit checks and other moving-related expenses.
6. **Comparable Replacement Housing:** The City or private developer will provide comparable replacement housing for every low-income housing unit demolished or converted to another use. The replacement housing will be for the same number of occupants as could have been housed in an occupied housing unit as well as a vacant but occupiable housing unit. An occupiable unit means that the unit is in standard condition. The vacant unit would not have to be replaced, if the unit is of demolition-quality. The replaced unit needs to be located within the city. Section 8 rental assistance payments may be made available.
7. **New Homebuyer Assistance:** The City has a Downpayment Assistance Program (DAP) and Lower Income Homebuyer Program (LIHP). These programs are limited to the purchase of vacant or owner occupied properties. If a DAP or LIHP project were to result in the displacement of a renter, the renter would be eligible for relocation benefits as required by HUD and provided in this relocation plan.

Types of Assistance to Displaced Persons: The amount of assistance provided to a displaced person will vary based on a number of factors including, but not limited to the following:

- tenant's annual income
- tenant's current rent
- cost and availability of comparable housing that is decent, safe and sanitary.
- family size

If a person is considered permanently displaced as a result of a project covered by this Plan, that person is entitled to the following:

- For an owner-occupant, the person is offered a comparable replacement dwelling and financial assistance to make the unit affordable, plus moving expenses.

- For a tenant, the amount of assistance is based on federal requirements. The situation for each tenant will have to be assessed individually by the City to determine the level of assistance that must be provided. All tenants will be provided moving expenses and may be entitled to a replacement housing payment, if the rent for the comparable housing exceeds what they are currently paying. Such payments would be provided for a 42 month period. These payments can be provided in one lump sum, if the displaced tenant wishes to use the funds toward the downpayment of a home.

Projects Subject to Relocation: If a project will result in relocation, that project becomes subject to the relocation requirements when the City receives a funding application for the housing unit. For rental property, affected tenants are to be notified that relocation may be necessary, if the project is funded, and cautioned not to move prematurely before the project is approved. Once the project is approved, tenants will receive a notice of eligibility for relocation assistance. It is the City’s policy not to undertake a project with HUD funding that will cause the permanent displacement of very-low income persons (below 30% of Fresno’s median income) to accommodate a housing project exclusively for persons who do not have a very low income. However, this does not mean that the City will not promote mixed-income housing projects as part of its housing programs in target areas.

To be eligible for relocation assistance, a person must be displaced as a “direct result” of an activity covered by this Plan. Examples of “direct result” include:

- **Required to Move:** The tenant is required to move from the property after the property owner issues a Notice to Vacate or refuses to renew a lease, so that the owner can avoid providing relocation assistance to the tenants.
- **After Negotiations of Property Purchase:** The person leaves for whatever reasons without being fully informed about their relocation rights and assistance was not given or was not given in a timely fashion.
- **Adequate Housing Not Offered:** The person leaves the property after initiation of negotiations because a decent, safe, sanitary and affordable unit in the property was not offered. The City defines an “affordable” unit based on HUD Section 8 standards.
- **Unreasonable Temporary Relocation Requirements:** The person leaves the property because of unreasonable temporary relocation requirements or unreasonable terms for permanent moves within the property.
- **Unreasonable Terms:** A nonresidential tenant who receives a Notice of Non-Displacement moves permanently because the terms and conditions of remaining in the unit are not reasonable.
- **Change of Character of Unit:** A tenant permanently moves from a residential structure as a direct result of leasing the other units in the structure for a HUD-assisted project. This would change the residential character or use of the structure to a public character (e.g., certain homeless or supportive housing uses).
- **Health Hazards:** Occupants will be required to be temporarily relocated before and during hazard reduction activities such as lead based paint abatement, except under the following circumstances:

- treatment will not disturb lead-based paint or lead-contaminated dust;
- treatment of the interior will be completed within one period of eight daytime hours, the site will be contained, and the work will not create other safety, health, or environmental hazards;
- only the building's exterior is treated, the windows, doors, ventilation intakes, and other openings near the work site are sealed during hazard reduction activities and cleaned afterwards; and a lead free entry is provided, and
- treatment will be completed within five calendar days; the work area is sealed; the area within ten feet of the containment area is cleared of debris at the end of each day; the occupants have safe access to sleeping areas, bathroom, and kitchen facilities at the end of each day; and treatment does not create other safety, health, or environmental hazards.

Ineligible for Relocation Benefits: There are a number of instances where a person is not considered displaced or eligible for relocation assistance. Persons would not qualify under the following circumstances:

- **Eviction:** The tenant was evicted for cause, but not if the eviction is taken to evade paying relocation assistance.
- **No Legal Right to Occupy:** The person had no legal right to occupy the property (i.e., transients)
- **Intention to Obtain Benefits:** The person occupied the property for the purpose of obtaining relocation benefits.
- **Possibility of displacement:** Before leasing and occupying the property, but after application for project funding, the person received written notice of the possibility that displacement or an increase in rent may occur and that relocation assistance will not be provided.
- **Life Estates:** The person retained the right of use and occupancy of the property following acquisition (life estates).
- **Waiver of Rights:** After being fully informed of their rights, the person waived those rights.
- **Non-Displacement Determination:** It has been determined that the person would not be displaced from a particular unit as a result of the project.
- **Short-Period Repairs:** The person was required to move out for a short period to facilitate emergency repairs, as long as certain conditions are met.
- **Owner-Occupied Properties:** Owner-occupants of the property who move as a result of a clearly voluntary acquisition (i.e., not under threat of condemnation, City acquisition not site specific and the owner is informed of estimated fair market value) rehabilitation or demolition are not considered displaced. The City will provide for temporary relocation as part of the rehabilitation loan, if the owner requires it. On the other hand, tenants would be considered displaced as part of a rehabilitation project.
- **Code Enforcement:** A tenant who leaves due to code enforcement is not considered displaced, unless the code enforcement results in rehabilitation or demolition of an assisted project. An owner-occupant who is required to move permanently as a direct result of this rehabilitation or demolition may be eligible for relocation

assistance.

- **Notice of Eligibility:** A person would not be eligible for relocation benefits, if that person, after receiving a notice of the possibility of relocation, is later notified in writing that they will not be displaced.
- **Aliens:** The person is an alien, not lawfully residing in the United States as defined in 8 CFR 103.12, unless the agency concludes that denial would result in “exceptional and extremely unusual hardship” to such a person’s spouse, parent, or child who is a citizen or lawful alien.

Policies on Temporary Relocation: In some projects, residents who will remain in a project after rehabilitation may be required to move temporarily during rehabilitation. In these cases, the City has the following policies:

- The temporary dwelling will be suitable and decent, safe and sanitary, but not necessarily comparable. All other conditions of the move will be reasonable.
- Residents will be given reasonable advance written notice of the date and approximate duration of the planned temporary move. The residents will receive information about the terms and conditions under which the tenant will be returning to the unit when the project is completed. The resident will also be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary move including any increase in monthly rent / utility costs.
- The temporary unit will not have any evidence of paint chips or dust; however, the unit does not need to be abated for lead.

Policies on Permanent Moves within the Project: In some projects, tenants may be allowed to remain in a project after rehabilitation, but not necessarily in the same unit. This may involve a temporary move until the new unit is completed. In these cases, the following policies will apply:

- The permanent unit will be suitable, decent, safe and sanitary, but not necessarily comparable.
- Residents will be given reasonable advance written notice of the date and approximate duration of the planned temporary move. The resident will also be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary move, including any increase in monthly rent / utility costs.
- Rent plus utilities of the permanent new unit within the project must not exceed the tenant’s old rent plus utilities or a specified portion of income depending upon the HUD-assisted program (usually 30% of the gross income), whichever is greater.

Policies on Permanent Relocation: In the event that displacement is necessary under the Section 104(d) requirements, the City will do the following:

- **Replacement Housing:** The City shall construct comparable replacement housing within the City for the same number of occupants that could have been housed in the

occupied or vacant occupiable lower income housing units demolished or converted to another use other than for lower income persons. For example, if one tenant lives in a three bedroom house and the house is demolished, the City will relocate the tenant as well as replace the unit with a three-bedroom housing unit.

- **Affordability:** The City shall make the replacement housing affordable from the time of initial occupancy for the period of time required by the federal regulations. Note: The time periods for subsidizing the tenant's rent and affordability period of the replacement unit are two different lengths of time. The affordability period will be subject to the Section 104(d) requirements, if applicable, or the funding source for constructing the unit, whichever is greater.

- **Relocation Benefits:** The City shall provide relocation benefits to eligible persons who occupied the housing that was demolished or converted to other uses. These benefits include reimbursement for moving expenses, security deposits, credit checks and other moving-related expenses. The compensation shall be sufficient to ensure that the displaced family shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30%. These payments will be for the length of time required by the federal government.

- **Comparable Housing:** Displaced persons shall be offered comparable replacement housing. This housing must meet the following requirements:
 - Meets HUD's Housing Quality Standards for decent, safe, and sanitary housing;
 - Be adequate in size;
 - Functionally equivalent; and
 - In an area not subject to adverse environmental concerns.

The comparable housing unit becomes the basis for determining the amount of benefits the displaced person will receive when a replacement housing unit is found by the displaced person. Public housing is not an appropriate comparable housing unit, if the tenant was not previously in a public housing unit.

- **Notification Period:** Once the project is approved, all occupants will be given at least a 90-day notice before they are required to move. The tenants will also be given a 30-day notice regarding the specific date of the move, if it was not specified in the original 90-day notice. All tenants, including those who are unaffected by the project, will be advised about the effects of the project on their particular circumstance, whether they will be displaced, temporarily relocated or unaffected by the project.

Moving and Related Expenses: Persons who are permanently or temporarily displaced are entitled to moving expenses. Displaced households can either be reimbursed for their actual moving and related expenses or be paid a fixed amount based on a payment schedule established by the U.S. Department of Transportation. Expenses may include the following:

- Transportation costs of the displaced person and personal property (less than 50 miles);
- Packing, crating, uncrating and unpacking;
- Storage of personal property not to exceed 12 months;
- Disconnecting, dismantling, removing, reassembling and reinstalling relocated appliances and personal property;
- Insurance for moved or stored property;
- Replacement of property, lost, stolen or damaged in the process of moving;
- Credit checks;
- Utility hookups; and
- Other reasonable and necessary costs.

Miscellaneous Policies:

- Unlike the Section 8 Rental Assistance Program, if a resident is given a replacement unit and then moves, the obligations of the City to that person are then completed.
- A displaced homeless person (e.g., occupant of an emergency shelter) is not considered to have been displaced from a permanent residence and, therefore, is not entitled to a fixed moving expense and dislocation allowance. That person could be eligible for actual moving expenses.
- If a claim for assistance is denied by the City, the displaced person may appeal that decision to HUD.
- All phases of a federally assisted project, including the selection of units to be assisted and the provision of notices, counseling, referrals, other advisory services and relocation payments, shall be conducted in a manner that does not result in discrimination because of race, color, religion, sex, age, disabilities, or national origin.