
Appendix “A” – Citizen Participation Plan

Introduction

In 1994, the U.S. Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting and citizen participation processes of four formula grant programs: Community Development Block Grants (CDBG), Home Investment Partnerships (HOME), Emergency Shelter Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA). The new single-planning process was intended to more comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities.

Provision of decent housing may involve assisting homeless persons in obtaining appropriate housing, retaining the affordable housing stock, increasing the availability of permanent affordable housing for low-income households without discrimination, and / or increasing supportive housing to assist persons with special needs. Providing a suitable living environment might entail improving the safety and livability of neighborhoods, including the provision of adequate public facilities; deconcentrating housing opportunities and revitalizing neighborhoods; restoring and preserving natural and physical features with historic, architectural, and aesthetic value; and conserving energy resources. Expanding economic opportunities can involve creation of accessible jobs, providing access resources for community development, and assisting low-income persons to achieve self-sufficiency.

The Consolidated Plan is actually a three-part planning process required by HUD. It comprises developing a five-year strategic plan, preparing annual action plans and submitting annually performance reports. These three parts are intended to furnish the framework whereby the City of Fort Smith can identify its housing, homeless, community, and economic development needs, identify resources that will be tapped and actions to be taken that will address the needs, as well as look back and evaluate the City’s progress toward achieving its strategic goals. Completing these documents on time and in a manner that is acceptable to HUD ensures program funding.

The precursor to the Consolidated Plan is the Citizen Participation Plan (CPP). The objectives of the CPP are to ensure that the citizens of Fort Smith, particularly persons of low- and moderate-income, persons living in slum and blight areas, units of local government, housing agencies and other interested parties, are provided with the opportunity to participate in the planning and preparation of the Consolidated Plan, including amendments to the Consolidated Plan and the Annual Performance Report. In doing so, the CPP sets forth general policies and procedures for implementing and carrying out the Consolidated Planning process, such as how the Consolidated Plan will be developed, dates and milestones along which the process will proceed, and methods for citizens to offer the City of Fort Smith assistance and guidance in the formulation of the Consolidated Plan. Furthermore, the provisions of the CPP fulfill statutory and regulatory requirements for citizen participation specified in the U.S. Department of Housing and Urban Development’s rules for the Consolidated Plan, the HOME Investment Partnerships (HOME) Program, the Community Development Block Grant (CDBG) Program, the Emergency Shelter Grants (ESG) Program and the Housing Opportunities for Persons with AIDS (HOPWA) Program. In the City of Fort Smith, the Community Development Department administers CDBG and HOME Investment Partnership Act funds. The Community Development Department is the lead agency for developing the Consolidated Plan.

In order to ensure maximum participation in the Consolidated Planning process among all populations and needs groups, and in order to ensure that their issues and concerns are adequately addressed, the Director of Community Development will follow the standards set forth in its adopted CPP during development of its Consolidated Plan, Action Plan and Annual Performance Report.

Encouraging Citizen Participation

The Consolidated Plan is designed to enumerate the City of Fort Smith’s overall strategy for coordinating federal and other housing and community development resources to provide decent housing, establish and maintain a suitable living environment, and expand economic opportunities, particularly for low- and moderate-income persons.

Interested groups and individuals are encouraged to provide input into all aspects of Fort Smith’s Consolidated Planning activities, from assessing needs to setting priorities through performance evaluation. By following the CPP, numerous opportunities for citizens to contribute information, ideas and opinions about ways to improve our neighborhoods, promote housing affordability and enhance the delivery of public services to local residents will occur.

The City of Fort Smith is committed to keeping all interested groups and individuals informed of each phase of the Consolidated Planning process and of activities being proposed or undertaken under HUD formula grant programs. Opportunities to comment on or participate in planning community development and affordable housing activities and projects will be publicized and disseminated throughout the City of Fort Smith.

Public Hearings and Meetings

The City will conduct at least two (2) public hearings to obtain citizens’ views and to respond to proposals and questions. The hearings will take place at different stages of the Consolidated Planning process. At least one will occur prior to development of the Draft Plan and will be intended to solicit public input regarding distinct issues, thereby aiding policy formation. At least one more will occur after the Draft Plan has been released for public review, allowing interested parties an opportunity to review the strategies and how they were developed, designed and presented.

Information about the time, location and subject of each hearing will be provided to citizens at least seven (7) calendar days in advance through adopted public notice and outreach procedures. This notification will be disseminated to local governments and other interested parties. Public notification of the hearings will be published in the local newspaper. Community Development Department staff may also attend other meetings and conventions in the City of Fort Smith throughout the year, thereby providing an opportunity for additional public information on the Consolidated Plan.

Every effort will be made to ensure the public hearings are inclusive. Hearings will be held at convenient times and locations and in places where people most affected by proposed activities can attend. The Director of Community Development will utilize hearing facilities that are accessible to persons with

mobility impairments. If written notice is given at least seven (7) days before a hearing date, the City of Fort Smith will provide appropriate materials, equipment and interpreting services to facilitate the participation of non-English speaking persons and persons with visual and / or hearing impairments. Interpreters will be provided at public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. All public hearings and public meetings associated with the Consolidated Planning process will conform to applicable Arkansas open meeting laws.

However, the Director of Community Development may, at its discretion, actively solicit input on housing and community development issues in during the course of the year with other forums, town hall meetings and other venues, as they may present themselves.

Publication of Consolidated Plan Documents

The Director of Community Development will publish the Draft Consolidated Plan for public review in a manner that affords citizens, public agencies and other interested parties a reasonable opportunity to examine its contents and submit comments. The Draft Plan will be a complete document and shall include:

- The amount of assistance the City of Fort Smith expects to receive; and,
- The range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income.

A succinct summary of the Draft Plan will be published in a newspaper of general circulation at the beginning of the public comment period. The summary will describe the contents and purpose of the Consolidated Plan (including a summary of specific objectives) and include a list of the locations where copies of the entire proposed Consolidated Plan may be obtained or examined. The following are among the locations where copies of the public comment Draft Plan will be made available to inspections:

- Community Development Department located at 623 Garrison Ave.; Room 331
- Public Library located at 3201 Rogers Avenue; and,
- Windsor, Dallas and Miller Branch Libraries
- City of Fort Smith’s website at www.fortsmithar.gov

Citizens and groups may obtain a reasonable number of free copies of the proposed Consolidated Plan by contacting the Director of Community Development at (479) 784-2209 or the document may be downloaded from the City’s website at www.fortsmithar.gov

Public Comments on the Draft Consolidated Plan and Annual Action Plans

The City of Fort Smith’s Community Development Department, as lead agency, will receive comments from citizens on its Draft Plan for a period not less than thirty (30) days prior to submission of the Consolidated Plan or Annual Action Plans to HUD. The Draft Annual Action Plan will be scheduled for release in April of each year.

All comments or views of citizens received in writing during the thirty (30) day comment period will be considered 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 therefore shall be attached to the final Consolidated Plan.

Public Notice and Outreach

An informed citizenry is critical to effective and responsive housing and community development programs. Efforts to educate residents and empower their participation are an ongoing element of the Consolidated Planning process.

As the fundamental means of notifying interested citizens about the Consolidated Plan and related activities, such as the Annual Action Plan or the Consolidated Annual Performance and Evaluation Report, the Director of Community Development will utilize advertisement notices in newspapers of general circulation. Such notices will be published at least seven (7) calendar days prior to public hearings. All notices will be written in plain, simple language and direct efforts will be undertaken to publish and / or post information at locations that will elicit maximum low- and moderate-income and minority participation.

Public education and outreach will be facilitated through the use of Public Advertisements that describe the Consolidated Planning process, opportunities for citizen participation and available funding through the CDBG and HOME program. The City’s Consolidated Plan mailing list will likely include social service organizations, local jurisdictions, low- income housing consumers, neighborhood groups, previous participants and commentators, and others expected to desire input on the Plan. This list is updated periodically and is available for inspection at the Community Development Department.

Technical Assistance

Groups or individuals interested in obtaining technical assistance to develop project proposals or applying for funding assistance through HUD formula grant programs covered by the Consolidated Plan may contact the Director of Community Development. Such assistance may be of particular use to community development organizations, non-profit service providers, and for-profit and non-profit housing development groups that serve or represent persons of low- and moderate-income. Pre-application workshops offer basic program information and materials to potential project sponsors, and the Director of Community Development will provide in-depth guidance and assistance to applicants and program participants on an on-going basis. Emphasis is placed on capacity development of community-based organizations.

Amendments to the Consolidated Plan

Pursuant to HUD regulations, an amendment to the Consolidated Plan is required whenever the Jurisdiction determines to:

- Substantially change the allocation priorities or its method of distributing HUD formula grant funds;

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- Utilize formula grant funds (including program income) to carry out activities not previously described in the Action Plan; and,
 - Change the purpose, scope, location or beneficiaries of an activity.

Such changes, prior to their implementation, are reviewed under various federal or local requirements, particularly rules on procurement and / or policies on the allocation of public resources. Substantial amendments to the Consolidated Plan are, in addition, subject to a formal citizen participation process. Notice and the opportunity to comment will be given to citizens through public notices in local newspapers and other appropriate means, such as direct mail or public meetings. A public comment period not less than thirty (30) days will be provided prior to implementing any substantial amendment to the Consolidated Plan. The Director of Community Development will prepare a summary of all comments received in writing and, in cases where any citizens' views are not accepted, provide reasons for the decision. This documentation will be attached to the substantial amendment, which will be available to the public and submitted to HUD.

Substantial Amendments

Occasionally, public comments warrant an amendment to the Consolidated Plan. The criteria for whether to amend is referred to by HUD as Substantial Amendment Criteria. The following conditions are considered to the "Substantial Amendment Criteria":

1. Any change in the described method of distributing funds to local governments or non-profit organizations to carry out activities. Elements of a "method of distribution" are:
 - A. Application process for non-profits;
 - B. Allocation among funding categories;
 - C. Grant size limits; and,
 - D. Criteria selection.
2. An administrative decision to reallocate all the funds allocated to an activity in the Action Plan to other activities of equal or lesser priority need level, unless the decision is a result of:
 - A. Federal government recall of appropriated funds, or appropriates are so much less than anticipated that the City makes an administrative decision not to fund one or more activities; or
 - B. The governor declares a state of emergency and reallocates federal funds to address the emergency; and,
 - C. A unique economic development opportunity arises where the City administration asks that federal grants be used to take advantage of the opportunity.

Citizen Participation in the Event of a Substantial Amendment

In the event of a substantial amendment to the Consolidated Plan, the Director of Community Development, depending on the nature of the amendment, will conduct at least one additional public hearing. This hearing will follow a comment period of no less than thirty (30) days, where the proposed substantially amended Consolidated Plan will be made available to interested parties. Citizens will be

informed of the public hearing through newspaper notification prior to the hearing, and the notice will appear in at least one newspaper which is circulated city-wide.

Citizens will be notified of the substantially amended Consolidated Plan’s availability through newspaper notification prior to the thirty (30) day substantially amended Consolidated Plan comment period. The notification will appear in at least one newspaper that is circulated throughout the City. The substantially amended sections of the Consolidated Plan will be available on the City of Fort Smith’s website, www.fortsmithar.gov for the full public comment period.

Consideration of Public Comments on the Substantially Amended Plan

In the event of substantial amendments to the Consolidated Plan, the City will openly consider any comments on the substantially amended Consolidated Plan from individuals or groups. Comments must be received in writing or at public hearings. A summary of the written and public hearing comments on the substantial amendments will be included in the final Consolidated Plan. Also included in the final Consolidated Plan will be a summary of all comments not accepted and their reasons for dismissal.

Changes in Federal Funding Level

Any changes in federal funding level after the Consolidated Plan’s draft comment period has expired and the resulting effect on the distribution of funds will not be considered an amendment or a substantial amendment.

Standard Amendments

“Standard amendments” are those that are not considered substantial in nature and pertain chiefly to minor administrative modifications of the programs. Thus they do not require in-depth citizen participation.

Annual Performance Reports

Performance reports on programs covered by the Consolidated Plan are to be prepared by the Director of Community Development for annual submission to HUD within ninety (90) days of the start of each program year. Draft performance reports will be made available upon written request. The draft performance report will be available for comment for no less than fifteen (15) days, and any public comments received in writing will be reported in an addendum to the final performance report.

Access to Records

To the extent allowed by law, interested citizens and organizations shall be afforded reasonable and timely access to records covering the preparation of the Consolidated Plan, project evaluation and selection, HUD’s comments on the Plan and annual performance reports. In addition, materials on formula grant programs covered by the Consolidated Plan, including activities undertaken in the previous five (5) years, will be made available to any member of the public who request information from the Community Development Department. A complete file of citizen comments will also be available for review by interested parties. After receiving notice of HUD’s approval of its Consolidated

Plan, the Director of Community Development will inform those on its mailing list of the availability of the final Plan document and of any HUD comments on the Consolidated Plan.

Complaints and Grievances

Citizens, administering agencies and other interested parties may submit complaints and grievances regarding the Consolidated Plan. Complaints should be in writing, specific in their subject matter, and include facts to support allegations. The following are considered to constitute complaints to which a response letter is due:

- The administering agency has purportedly violated a provision of this Citizen Participation Plan;
- The administering agency has purportedly violated a provision of federal CDBG or HOME program regulations; and,
- The administering agency, or any of its contractors, has purportedly engaged in questionable practices resulting in waste, fraud or mismanagement of any program funds.

Residents may also present complaints and grievances orally or in writing at the community meetings and / or public hearings. All public comments, including complaints and grievances, made either orally or in writing with the thirty (30) day public comment period, will be included in the final Consolidated Plan. Such complaints or grievances shall be directed to the Consolidated Plan representative, the City's Director of Community Development.

Timely Response to Complaints or Grievances

Upon receipt of a written complaint, the Director of Community Development shall respond to the complainant within fifteen (15) calendar days and maintain a copy of all related correspondence, which will be subject to Development Services Department review.

Within fifteen (15) calendar days of receiving the complaint, the Director of Community Development shall discuss the matter with the Director of Development Services and respond to the complainant in writing. A copy of the response from the Director of Community Development will be transmitted, concurrently, to the complainant and to the Director of Development Services. If, due to unusual circumstances, the Director of Community Development finds that he / she is unable to meet the prescribed time limit, the limit may be extended by written notice to the complainant. The Director of Community Development's notice must include the reason for the extension and the date on which a response is expected to be generated, which may be based on the nature and complexity of the complaint.

Public review materials and performance reports will include data, as appropriate under confidentiality regulations, on any written complaints received and how each was resolved.

Activities Exempt from Substantial Amendment Citizen Participation Requirements

Urgent Needs

It may be necessary to amend the Consolidated Plan in the event of an emergency such as a natural disaster. These amendments may include funding new activities and / or the reprogramming of funds including canceling activities to meet community development needs that have a particular urgency. Therefore, the City of Fort Smith, acting through the Community Development Department may utilize its CDBG or HOME funds to meet an urgent need without the normal public comment period, which is otherwise required for substantial amendments.

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To comply with the national objective of meeting community development needs having a particular urgency, an activity will alleviate existing conditions that the City of Fort Smith certifies:

- Pose a serious and immediate threat to the health and welfare of the community;
- Are of recent origin or recently became urgent;
- The City and the Community Development Department are unable to finance the activity on their own; and,
- Other resources of funding are not available to carry out the activity.

A condition will generally be considered to be of recent origin if it is developed or became critical within eighteen (18) months preceding the Community Development Department's certification.

Availability of the Citizen Participation Plan

Copies of the Citizen Participation Plan may be obtained by contacting the Director of Community Development at (479) 784-2209 or on the City's website at www.fortsmithar.gov. Upon request, the Director of Community Development will make the Citizen Participation Plan available in an alternative format accessible to persons with disabilities.

End of Appendix "A" – Citizen Participation Plan