

# City of Troy

# Citizen Participation Plan

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## Community Development Block Grant (CDBG)

**Amended in response to changes in  
Federal and State regulations due to  
COVID19**



# Citizen Participation Plan

## Amendment Notice

In March of 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted into law (Public Law 116-136). The CARES Act provides funding for the U.S. Department of Housing & Urban Development (HUD) programs, which includes funds that were allocated to the Community Development Block Grants (CDBG) and Emergency Solutions Grants (ESG) programs that are facilitated by the City of Troy, NY.

On March 31, 2020, HUD issued a Memo, "Availability of Waivers of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19." This Memo explains the availability of waivers that amend program restrictions in order to provide flexibility and help to expedite the release of program funds.

The City of Troy has amended its Citizen Participation Plan to include the updated provisions and highlight the changes in regulations, in order to accommodate the facilitation of HUD funded programs.

## Summary of Changes

Waivers are included in ATTACHMENT.

- ***Citizen Participation Public Comment Period for Consolidated Plan Amendment***  
Public comment period is reduced to 5 days
- ***Citizen Participation Reasonable Notice and Opportunity to Comment***  
Changes to how public hearings are conducted / public comments are submitted

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## Introduction

The United States Department of Housing and Urban development (HUD) has implemented a consolidated planning process which unites four primary funding resources for community development and revitalization. The consolidated planning process calls on the City of Troy to build new partnerships to meet the needs of low-income neighborhoods, simplifies the planning process, expands the citizen participation process, and creates a significantly expanded role for low-income citizens who benefit from the community development resources.

The consolidated planning process combines the Community Development Block Grant (CDBG) Program, HOME Program, and Emergency Solutions Grant (ESG) Program. These programs share three basic goals of providing decent housing, developing a suitable living environment and expanding economic opportunity to low and moderate income persons.

The consolidated plan consists of a Citizen Participation Plan, a five - year Strategic Plan, and an Annual Action Plan. The Strategic Plan integrates the community's demographic profile, economic, housing and community trends and needs; establishes goals, objectives, and performance benchmarks, and a framework for innovation.

As a recipient of these entitlement program funds, the City is required to produce the following documents:

- Consolidated Plan – a five-year plan that documents Troy’s housing and community development needs, outlines strategies to address those needs, and identifies proposed program accomplishments;
- Annual Action Plan – an annual plan that describes specific CDBG, HOME, and ESG funded projects that will be undertaken over the course of the upcoming fiscal year;
- Consolidated Annual Performance and Evaluation Report (CAPER) – an annual report that evaluates the use of CDBG, HOME and ESG funds

Through consolidated planning, the City of Troy has the opportunity to build a unified vision of community development, create opportunity for strategic planning, and implement strategies to foster self-sufficiency to reduce poverty and its affects on low and moderate income residents, increase citizen participation, and reduce the duplication of effort. Extensive citizen participation is essential to ensure that the most effective strategy is developed to solve the problems and increase the assets of low-income neighborhoods.

### **Goals of the Citizen Participation Process**

The resources made available to the City of Troy through CDBG, ESG, and HOME programs are directed at meeting the needs, and building the capacity of low income residents. The very citizens these resources seek to empower have historically played a very small role in forming neighborhood plans or setting neighborhood or citywide priorities for resource allocation. This document proposes an expanded role for low-income residents and summarizes the City of Troy’s citizen participation plan, which will:

- Increase participation by low, very low, and extremely low income persons, residents of public/assisted housing and person with special needs;
- Clarify roles and responsibilities and build a community-consensus on assets, needs and interests, and;
- Result in a Plan based on low-income citizen review and comment and be supplemented by feedback from other citizens, businesses, and other community based entities.

The Lead Agency for the consolidated planning process in the City of Troy is the Department of Housing and Community Development. The Lead Agency is charged with notifying citizens about the planning process, facilitating neighborhood meetings, and drafting the strategic plan

and the action plan that summarizes the allocation of Consolidated Planning program funds. In addition, the Lead Agency works in cooperation and consultation with various community partners, representatives from public and private agencies, and other municipal departments to incorporate the needs of their clients, and thereby maximize the comprehensiveness of the strategies of the Consolidated Plan.

### **Citizen Input and Comments**

***NOTICE: Due to Federal, State and Local Regulations, “in person” public hearing will be suspended until further notice. Program information will be distributed via the City of Troy Website ([www.troyny.gov](http://www.troyny.gov)), through the local newspaper (The Record) or via request through the Department of Housing and Community Development (518-279-7150 or [carolin.skriptshak@troyny.gov](mailto:carolin.skriptshak@troyny.gov)). Any additional Public Hearings will be held virtually via the internet or by phone.***

Citizen input shapes the Citizen Participation Plan, the consolidated planning process, the allocation of resources, the evaluation of funded projects, and the evaluation of the strategic planning process. Not only are citizens from public housing or low income neighborhoods encouraged to participate, but local institutions, businesses and other local organizations as well.

Public hearings (***AMENDED: public hearing with be held virtually via phone and/or internet***)<sup>1</sup> will be conducted to obtain citizen guidance in the formative stage of the Strategic and Annual Plan Development, and to react to the draft spending plan.

The City of Troy will host a minimum of at least two public City-wide hearings (***AMENDED: public hearing with be held virtually via phone and/or internet***)<sup>1</sup> during the program year. The initial public hearing will be an opportunity for the City to formulate its draft Strategic Plan, summarize and present the priorities for the upcoming program year, review past and present program performance, and accept comments concerning community development and housing needs.

The Troy City Council will host a second public hearing to present the draft Strategic Plan, and Annual Action Plan. The final Strategic Plan and Annual Plan will be adopted by the City Council in May following the close of the *30-day public comment period* (***AMENDED: reduced to 5-day public comment period***)<sup>1</sup>.

The first public hearing will be scheduled prior to the statutory *30 day Public comment period* (***AMENDED: reduced to 5-day public comment period***)<sup>2</sup>. The second public hearing will be conducted within the *30-day comment period* (***AMENDED: reduced to 5-day public comment period***)<sup>2</sup>, and after the publication of the annotated draft list of projects that are proposed to be funded. The annotated list will include the amount of assistance the City expects to receive, the range of activities proposed, and the amount of funding that will benefit low-income population,

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<sup>1</sup> WAIVER: Citizen Participation Public Comment Period for Consolidated Plan Amendment (See ATTACHMENT)

<sup>2</sup> WAIVER: Citizen Participation Reasonable Notice and Opportunity to Comment(See ATTACHMENT)

The purpose of the first hearing will be to obtain citizen recommendations for priorities in funding and projects, while the second hearing will be conducted to obtain citizen comments on the proposed spending plan before it is finalized for submittal to HUD.

An executive summary of the draft Strategic Plan and the preliminary recommendations for spending under the One Year Action Plan will be published prior to the hearing dates. The public hearing notices will identify where copies of the Strategic Plan and the One Year Action Plan proposals are available for public inspection and the means to facilitate public comments. They will also indicate where free copies of the documents can be obtained.

These hearings will be conducted in Troy City Hall (**AMENDED: public hearing with be held virtually via phone and/or internet**)<sup>3</sup>. Troy City Hall is handicapped accessible and it is centrally located for residents of CDBG-eligible Census Tracts. The availability of services for special needs populations, including non -English speaking persons will be identified as part of the hearing advertising process for all Consolidated Plan public hearings.

### **Notification of Public Meetings and Hearings**

The City of Troy will seek participation of citizens by implementing a notification process. The City's Department of Housing and Community Development will publish a public notice of opportunities for public comment in The Record, on the bulletin board outside Troy City Hall, and will submit copies of notices to the Troy Public Library (Main and Lansingburgh branches), the Troy Housing Authority, and will post the notices on the City's official website at [www.troyny.gov](http://www.troyny.gov).

Copies of this Citizen Participation Plan and the Consolidated Plan will be available at the following locations: on the official City of Troy website at [www.troyny.gov](http://www.troyny.gov), at the Troy Public Library (Main and Lansingburgh branches), the principal offices of the Troy Housing Authority, and Troy City Hall.

The Grantee Performance Report (CAPER) will be available at the Troy Public Libraries, (Main and Lansingburgh branches) the principal offices of the Troy Housing Authority, and Troy City Hall. Additionally, the final Citizen Participation Plan will be supplied to the Executive Director of the Troy Housing Authority for purposes of the Public Housing Agency Plan.

In addition, the following represent forms of Public Notice:

- Public notices will be published in the Troy Record in a legal section of the newspaper.
- Display ads and press releases in public service announcements may also be used.
- Notice will be given through letters to neighborhood organizations, public housing representatives, and agencies providing services to minorities, non-English speaking persons, persons with disabilities, and low-income people. For example, Public Notice and documents will be delivered to advocates, human service agencies, Housing Authority, etc. for posting.

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<sup>3</sup> WAIVER: Citizen Participation Public Comment Period for Consolidated Plan Amendment (See ATTACHMENT)

- Notice will be sent to any person or organization requesting to be on a mailing list.
- Notice will be posted on the City of Troy’s Housing and Community Development Division website page at [www.troyny.gov](http://www.troyny.gov).

The citizen participation process will result in the development of the Strategic Plan and Annual Action Plan. The Action Plan will present the City’s decision for allocation of available resources including CDBG, ESG, and HOME funds. The interim and final draft will be developed in a format accessible to the citizens. Upon completion of a final strategic and Annual Action Plan the City will present the proposed plans at a public hearing conducted by the City Council during the *30-day public comment period (AMENDED: reduced to 5-day public comment period)*<sup>4</sup>. Copies of the Action plan will be provided at that time. Copies of the proposed Plans will be available for review at Troy Public Library (Main and Lansingburgh branches), the principal offices of the Troy Housing Authority, and City Hall. At that time a summary describing the contents and purpose of the Action plan and specifying the sites for review of the document will be published in The Record.

The Department of Housing and Community Development will accept citizen comment and recommendations on the proposed Citizen Participation Plan, the Strategic Plan and the Annual Action Plan for a period of thirty days from the date of publication and summarize all comments received in a written document which will be available for public review at City Hall and will be attached to the Strategic Plan for submission to HUD. In addition, the City of Troy will provide prompt written responses to written complaints and comments within 15 days.

### **Populations with Special Needs**

All public hearings will be held at Troy City Hall (*AMENDED: public hearing with be held virtually via phone and/or internet*)<sup>5</sup>. This location is accessible to people with disabilities. Additional provisions will be made for people with disabilities when requests are made at least five working days prior to a hearing. Translators will be provided for people who do not speak English when requests are made at least seven working days prior to a hearing.

### **Response to Public Comments**

Citizen comments and/or complaints received orally and in writing at public hearings for the Strategic Plan, Annual Plan, and for the annual CAPER, or for substantial amendments will be recorded, and a written response to all of the comments or complaints will be included in the record of the hearings. Comments or views not accepted and the reasons therefore will be attached to the document(s) that are the subject of the public hearing. This policy shall apply to comments received at public hearings for the Consolidated Plan in general as well as for the CAPER, and for substantial amendments. The written response shall be completed within 15 days after receipt unless additional research is needed and a copy of the response shall be provided to the complainant if requested by the complainant. For ease of understanding a

<sup>4</sup> WAIVER: Citizen Participation Public Comment Period for Consolidated Plan Amendment (See ATTACHMENT)

<sup>5</sup> WAIVER: Citizen Participation Reasonable Notice and Opportunity to Comment(See ATTACHMENT)

summary of comments and responses will be kept on record and will be attached to appropriate submissions to HUD.

### **Technical Assistance**

Following the citizen input process, the City of Troy may issue a request for proposals soliciting eligible projects from eligible entities which propose to provide decent housing, a suitable living environment, and expanded economic opportunity. The City of Troy will prioritize proposals which respond to the RFP, meet identified neighborhood needs, provide services which serve the needs of low/mod residents, households and neighborhoods, are provided by a neighborhood-based presence, encourage collaborative or Consortia-based approaches to service delivery and outline clear performance objectives and realistic benchmarks for success. Additional criteria may include financial and operational feasibility, funding availability and organizational performance.

If necessary the City of Troy will offer technical assistance to recognized neighborhood-based groups organized by and/or serving low, very low, and extremely low income residents. to enable them to request assistance and develop a proposal by hosting technical assistance sessions, and providing a handbook for proposal development providing information and direction for completing the application requirements.

Reasonable technical assistance will be provided by the City for developing neighborhood plans, neighborhood improvements, and/or applications for Consolidated Planning funds to implement the plans or improvements. This assistance by the City shall be provided free of charge. The City's technical assistance shall be advisory only, and shall not include the actual preparation work, nor shall it be interpreted as advocacy for a particular plan or application / or tacit approval of the plan or application.

### **Amendment Process**

Changes to the Strategic Plan and the one-year Action Plan subsequent to its approval by the City Council and acceptance by HUD will require certain actions depending upon the type and the extent of change required.

These are as follows:

- **Formal Amendment:** Revisions to the program which meet the regulatory definition of an amendment include decisions not to carry out an activity, to carry out an activity not previously described or to substantially change the purpose, scope, location or beneficiaries of an activity pursuant to §57-305 Code of Federal Regulations.

Such revisions require:

1. A formal public hearing during a *30-day public review/comment period (AMENDED: reduced to 5-day public comment period)*<sup>6</sup>;
2. City Council approval of amendment;

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<sup>6</sup> WAIVER: Citizen Participation Public Comment Period for Consolidated Plan Amendment (See ATTACHMENT)

3. Submission of an amendment request to HUD. This formal amendment shall be considered to be a substantial amendment as defined by HUD.
- **Budget Amendment:** if no projects are being added or deleted and the amendment consists of a shifting of funds between budget lines in order to accommodate changing project needs over the course of the program year, the changes will be processed as a budget amendment. In these cases, no formal public hearing is required, but HUD should be notified of the budget revision.
  - **Budget Adjustment:** Minor budget adjustments utilizing contingency funds and/or necessitated by accounting requirements may be handled administratively / requiring no Council or HUD actions.

Examples of these adjustments are:

1. Transfers in "like" accounts from one budget year to another regardless of the dollar amount of the transfers (this action will require notification of the City Council Finance Committee by the City Comptroller);
2. Transfers of contingency funds into budgeted projects up to a 50% increase in the allocation of the targeted project activity. Budget increases in excess of 50% of the original appropriation caused by transfer of funds to unlike activities shall be considered to be a substantial amendment as defined by HUD;
3. Transfer of any and all unexpended projects or programs initially approved in a program year three or more years previous to the current year. The purpose of the last category is to keep accounts current and to allow for re-assignment of funds from projects which were never initiated, despite a reasonable time frame. CDBG funds must be transferred from the incomplete activity account into the target project account (this action will require notification of the City Council Finance Committee by the City Comptroller).

### **Anti-Displacement Plan**

The City of Troy will follow its Acquisition and Relocation Manual to address resident displacement if relocation services are required. The City of Troy seeks to avoid temporary or permanent displacement of Troy residents by City action whenever feasible. When displacement occurs as a result of federally-funded activities, the City of Troy will act in compliance with Section (104) of the Housing and Community Development Act of 1974, as amended, to mitigate any negative impacts of federally-funded activities. Mitigating actions may include providing replacement low and moderate-income housing and appropriate relocation benefits to households displaced.

If relocation services are required, displaced persons will be given a written description of the City's Relocation Program. These materials include:

- Descriptions of replacement housing and relocation payments,
- Eligibility conditions,
- Procedures for obtaining payment,



- Advisory services,
- Explanation of the ninety-day advance notice,
- Assurance that the displaced cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.

Benefits include a choice of three or more comparable replacement dwellings (if available) or replacement housing payments, transportation to inspect housing, payment for moving and related expenses, and counseling to minimize adjustment hardships. Real property will be acquired by negotiation only after a written appraisal. Owners will be offered just compensation and will be paid before surrendering possession of their property.

### **Complaint Procedure**

All complaints related to any phase of the programs covered under the Consolidated Plan should be delivered in writing to the Housing and Community Development Department of the City of Troy, Troy City Hall, 433 River Street, Troy New York 12180. All complaints will be given consideration and answered in writing within 15 days of their receipt by Housing and Community Development Department.

### **Records and Record-keeping**

All records related to the Consolidated Planning program shall be maintained by the Department of Housing & Community Development. Records less than two years old shall be readily available for public inspection in the offices of the Department of Planning. Records from two to six-years old shall be accessible for public inspection within 48 hours of the time of written request for them. Records that are available for public inspection shall consist of public notices, applications for funding, City decisions, the individual folders of funded projects, the CAPER, audit findings, correspondence (including complaints) with and between the City and HUD and citizens, and the Environmental Review Records. All requests for access to records shall be in writing and shall be submitted to the City's FOIL officer on forms supplied by the FOIL officer.

## Glossary

**Action Plan** - A plan submitted to HUD annual which specifically describes the allocation of CDBG funds to activities to be conducted in support of the priorities presented in the Consolidated Plan.

**CDBG** - The US Department of Housing and Urban Development's Community Development Block Grant program.

**Consolidated Plan** - A plan that includes a housing and community development needs analysis, a survey of resources available to address those needs, and a five-year strategy that includes goals and priorities for the use of CDBG funds. The Consolidated Plan must be updated every five years and serves as the strategic foundation for subsequent one-year Action Plans.

**ESG** - The US Department of Housing and Urban Development's Emergency Solutions Grant program.

**HOME** - The US Department of Housing and Urban Development's HOME Investment Partnership Program. This program provides funds for affordable housing programs and projects.

**HUD** - The US Department of Housing and Urban Development.

**Income:** Please refer to the following HUD-defined income categories:

***Extremely Low-Income*** - Total household income is between 0 and 30 percent of the median income for the area, as determined by HUD adjusted for household size.

***Very Low-Income*** - Total household income does not exceed 50 percent of the median income for the area, as determined by HUD adjusted for household size.

***Low-Income*** - Total household income does not exceed 80 percent of the median income for the area, as determined by HUD adjusted for household size.

***Moderate-Income*** - Total household income does not exceed 120 percent of the median income for the area, determined by HUD adjusted for household size.

**Program Year** - The City of Troy receives HUD funding and must complete several HUD mandated tasks on an annual basis. The CDBG program operates according to a 12-month schedule, July 1 through June 30.

## Consolidated Planning Process

### Tentative Schedule

<p><b>September - December</b> (Prior to Funding Year)</p>	<ul style="list-style-type: none"> <li>• Planning staff meet to outline priority outcomes, performance targets, milestones, and verification measures for 20xx-xxPY.</li> <li>• Meet with Mayor to finalize priorities for 20xx-xxPY. Prepare draft RFP.</li> <li>• Planning Department public hearing (one of two hearings required each program year) to obtain public input on priorities for the 20xx-xx OYAP. Prep RFP during week of December 27 to 30, 20xx. Publish notice on December 16th.</li> </ul>
<p><b>January</b> (Prior to Funding Year)</p>	<ul style="list-style-type: none"> <li>• Circulate RFP for OYAP proposals. Application available.</li> <li>• Last date for filing proposals from City departments and outside agencies. Planning prepares and forwards to the Mayor an annotated list of proposals ASAP.</li> </ul>
<p><b>February</b> (Prior to Funding Year)</p>	<ul style="list-style-type: none"> <li>• Planning Department completes review of applications with recommendations due to Mayor this date (sooner if possible). Prepare draft annotated list of OYAP projects for final tweaking after Mayor/Administration review.</li> <li>• Begin A133 audit procedure.</li> <li>• Administration completes review of program and presents proposed spending plan to Council. Finalize 30-day public notice of proposed projects for OYAP and submit to The Record this date.</li> </ul>
<p><b>March</b> (Prior to Funding Year)</p>	<ul style="list-style-type: none"> <li>• Publish One-year Action Plan (must establish minimum 30-day review period and conduct Council hearing during this minimum 30-day period).</li> <li>• Council introduces draft 2013-14 spending plan and establishes public hearing date.</li> <li>• Council public hearing (second of two hearings required each program year) to obtain public comment</li> </ul>
<p><b>May</b> (Prior to Funding Year)</p>	<ul style="list-style-type: none"> <li>• Council approval of One-year Action Plan. (Third public hearing, prior to council approval)</li> <li>• Commence NEPA environmental review process.</li> <li>• Submit OYAP Application to HUD</li> </ul>
<p><b>July</b> (Start of Funding Year)</p>	<ul style="list-style-type: none"> <li>• HUD approval date for OYAP.</li> </ul>
<p><b>July – June</b> (During Funding Year)</p>	<ul style="list-style-type: none"> <li>• Commence delivery of funded activities (once funds are approved and available).</li> <li>• Planning reviews SOWs and budgets, and prepares and circulates Agreements, prepares Purchase Requisitions, sets up accounts and sets up project folders.</li> <li>• Select 20xx-xx subrecipients for monitoring and commence monitoring process.</li> </ul>
<p><b>July</b> (End of Funding Year)</p>	<ul style="list-style-type: none"> <li>• Commence collection of data for CAPER.</li> </ul>

## CAPER

<b>July</b> (End of Funding Year)	<ul style="list-style-type: none"><li>• Input data into draft CAPER.</li></ul>
<b>August</b> (End of Funding Year)	<ul style="list-style-type: none"><li>• Publish notice of availability of draft CAPER (with draft narrative) and start 15-day public review period.</li><li>• End public review period and revise CAPER including narrative. Prepare financial summary report.</li></ul>
<b>September</b> (End of Funding Year)	<ul style="list-style-type: none"><li>• Submit CAPER to HUD.</li><li>• Meet with Mayor to obtain direction for next (20xx-xx) OYAP.</li></ul>

# ATTACHMENT

(Excerpt from HUD Memo for Availability of COVID Waivers)  
Sent to the City of Troy - Dated March 31, 2020

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## CONSOLIDATED PLAN REQUIREMENTS

### 8. Citizen Participation Public Comment Period for Consolidated Plan Amendment

**Requirement:** 30-day Public Comment Period.

**Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401

**Explanation:** A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan are subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.

**Justification:** Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (i) as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG, HOME, HTF, HOPWA or ESG funds.

**Applicability:** This 30-day minimum for the required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. The waiver is available through the end of the recipient's 2020 program year. Any recipient wishing to undertake further amendments to prior year plans following the 2020 program year can do so during the development of its FY 2021 Annual Action Plan.

## 9. Citizen Participation Reasonable Notice and Opportunity to Comment

**Requirement:** Reasonable Notice and Opportunity to Comment.

**Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401

**Explanation:** As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

**Justification:** HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 as specified below to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.

**Applicability:** This authority is in effect through the end of the 2020 program year.