



CITIZEN PARTICIPATION PLAN



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CITIZEN PARTICIPATION PLAN

HOUSING and COMMUNITY DEVELOPMENT PROGRAMS

Introduction

The City of Shawnee (the City) qualifies as an Entitlement Community entitled to receive Community Development Block Grant (CDBG) funds. The Department of Housing and Urban Development (HUD) awards these entitlement funds. The CDBG program is administered by Planning Department staff. As a recipient of these federal funds, the City of Shawnee is required to have a Citizen Participation Plan. The Citizen Participation Plan addresses how the City of Shawnee involves residents in the planning, execution and evaluation of the CDBG program. The City of Shawnee has developed this Citizen Participation Plan not only to meet the requirements in the Code of Federal Regulations, 24 CFR 91.105 and 91.505, but also to insure that its citizens are informed and have opportunities to be heard.

The Goal of This Citizen Participation Plan

The primary purpose of the programs covered by this Citizen Participation Plan is to “improve communities by providing decent housing, a suitable living environment, and growing economic opportunities, principally for low and moderate-income people.” It is necessary that public participation genuinely involve the beneficiaries of these funds. Therefore, the goal of the Citizen Participation Plan is to encourage the participation of low- and moderate-income persons, particularly those living in areas where the use of CDBG funds is being proposed, as well as the participation of all interested citizens, social service providers and public agencies. This plan is designed to provide every opportunity for citizen participation and to insure openness and the freedom of access to information through each stage in the CDBG process. 24 CFR 91.105(a)(2)(i)(ii)&(3)

THE PROGRAM YEAR AND CITIZEN PARTICIPATION

Introduction

The City of Shawnee’s CDBG program operates on a calendar year basis. During the program year, the City will seek public comment on events in the CDBG process. Each event is described below. The City will use the following means to inform and involve citizens in the process.

Adequate Public Notice

Adequate public notice will be provided prior to each event. HUD considers a minimum of 14 days to be adequate. Unless otherwise required, the 14 day public notice will apply to all events. 24 CFR 91.105(e)(2)

Public Notice

Public notices for public hearings will be published in the City’s “official” newspaper The Legal Record (per Resolution No. 1640). [As of November 28, 2018, the Shawnee Dispatch newspaper is no longer being published.] Alternatively, notices of neighborhood meetings may be posted at

various locations in the community, mailed to property owners in low-mod income neighborhoods, and posted on the City's website. All public notices will be written to provide a clear understanding of the event. The notice will include the date, time and place of any meeting or public hearing. Written notice will also be sent (by mail or email) to all agencies and interested individuals that have requested to be on a mailing list.

Public Comment Period

Certain events require a public comment period before any action can be taken. The length of these public comment periods varies. When a public comment period is required, the number of days will be noted in the description of the event. The public comment period begins on the day after publication.

Public Hearings

The City will schedule a meeting in early spring to receive input from residents. This will be an informal informational meeting to receive views and opinions from the public. Other open public meetings will be held as needed or to offer pertinent information.

City

Each year the City will hold a minimum of two public hearings. 24 CFR 91.105(e)(1)

Accessibility

All meetings and public hearings will be held in locations accessible to people with disabilities. If any individual requires special accommodation (i.e., qualified interpreter, hearing assistance, etc.) or a non-English speaking individual requires a translator in order to participate in any meeting or public hearing, they are requested to notify the Planning staff at (913) 631-2500 or, for the hearing and speech impaired, at 1-800-766-3777 (TDD) no later than 48 hours prior to the scheduled commencement of the meeting or public hearing. 24 CFR 91.105(e)(3)(4)

Typical Program Year

Though specific dates cannot be provided, the following table provides a general overview of when events occur during a typical program year.

EVENT	TIME OF YEAR
Individual Meetings with Subrecipients of CDBG funds for the Current Program Year.	January or when funds become available
Consolidated Annual Performance and Evaluation (CAPER) Report	February/March
Identify Housing & Community Development Needs	March
CDBG Applications Due	End of June-July
Applicant Presentation Before City Council	July-August
Five-Year Consolidated Plan	September-October
Action Plan	September-October
Ordinary Amendments to Consolidated Plan	When they occur
Substantial Amendments to Consolidated Plan	When they occur
Modifications to Citizen Participation Plan	When needed

EVENT 1 MEETINGS WITH SUBRECIPIENTS

When funding becomes available as notified by HUD, the Planning staff contacts those who have been awarded CDBG funds for the current program year. Each person is provided with a Subrecipient Agreement

EVENT 2 CONSOLIDATED ANNUAL PERFORMANCE and EVALUATION REPORT (CAPER)

The second event in the program year is the Consolidated Annual Performance and Evaluation Report (CAPER). Within 90 days of the close of the program year, the City is required to submit the CAPER to HUD. The CAPER describes how funds were used, outlines the program year accomplishments and shows the extent to which these funds were used for activities that benefited low- and moderate-income people. Prior to submitting the CAPER to HUD, a summary of all comments received, either orally or in writing, will be made a part of the CAPER. 24 CFR 91.105(d)(2)

Public Notice

Public Notice will be provided a minimum of 20 days prior to the public hearing. The notice will provide the dates for the 20-day public comment period, the locations where the CAPER is available, and the date, time and place of the public hearing. 24 CFR 91.105(d)(1)

Public Hearing

A public hearing on the CAPER will be held before the Board of City Commissioners.

EVENT 3**IDENTIFYING COMMUNITY DEVELOPMENT AND HOUSING NEEDS**

The third event in the program year is to conduct public hearings to obtain public input on the community development and housing needs of low- to moderate-income residents, including setting priorities among those needs and recommending programs to meet high-priority needs. In certain years, these hearings will be held in preparation of the Consolidated Plan, a five-year planning document. In the intervening years, these hearings are in preparation of the Action Plan, which is a yearly update to the Consolidated Plan.

Public Notice

These public hearings will be held before the City Staff and interested Council Members. The Planning Department staff will determine and provide advance notification of the number of hearings to be held and their times and locations in the City.

EVENT 4**APPLICANT PRESENTATION BEFORE THE CITY COUNCIL**

Upon receipt of an application, the Planning Department must determine that the proposed project meets a national objective, is an eligible activity and has met all the requirements of the application process. At the first public hearing for the proposed Consolidated Plan or Action Plan, applicants will have the opportunity to present and respond to questions about their project proposed in the application to the Shawnee City Council.

Public Notice

In addition to a Public Notice, each applicant will be notified by e-mail or mail.

EVENT 5**THE PROPOSED FIVE-YEAR CONSOLIDATED PLAN**

Or

THE PROPOSED ACTION PLAN

The proposed five-year Consolidated Plan and the proposed Action Plan are the central planning documents of the CDBG program. The Consolidated Plan is a five year strategic plan. It is:

- a collaborative process whereby the community establishes a unified vision for community development actions;
- a comprehensive housing affordability strategy (CHAS) that sets forth the City's policy for allocating investment among housing needs activities;
- a statement of specific long-term and short-term community development objectives and priority non-housing community development needs;
- an application for funding under the Community Planning and Development formula grant programs (CDBG);
- a strategy to be followed in carrying out HUD programs; and
- a management tool for tracking and measuring results.

The one-year Action Plan describes the specific projects and activities that the City plans to undertake in the coming year to address the priority needs identified in the Consolidated Plan. The Action Plan provides information on:

- The estimated amount of CDBG funds the City expects to receive in the coming program year; 24 CFR 91.105(b)(1)
- A complete listing and description of each activity proposed for funding in the upcoming program year; 24 CFR 91.105(b)(1)
- Homeless and other special needs activities;
- Actions that will be taken during the program year to address such issues as barriers to affordable housing, reduce lead-based paint hazards, obstacles to meeting underserved needs; and
- How the CDBG program are monitored.

Public Notice

Public Notice will be given a minimum of 30 days prior to the public hearing. The notice will contain a summary of the plan. It will provide the dates for the 30-day public comment period, state where the proposed Consolidated Plan or Action Plan is made available for public comment, and the date and time of the public hearing. 24 CFR 91.105(b)(2)(4)

Public Hearing

A public hearing on the proposed Consolidated Plan or Action Plan will be held before the Shawnee City Council. After receiving public comments and closing the public hearing, the Council will take appropriate action and may authorize the Mayor to submit the Consolidated Plan or Action Plan to HUD.

In preparing the Final Consolidated Plan or Action Plan, consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final Consolidated Plan and Action Plan will have a section that includes citizen comments received and any response by the City. 24 CFR 91.105(b)(5)

EVENT 6

AMENDMENTS TO THE CONSOLIDATED PLAN

On occasion during the year it may be necessary to make amendments to the Consolidated Plan or Action Plan. The City is required to amend its approved plan whenever it makes one of the following decisions:

1. “To make a change in its allocation priorities or a change in the method of distribution of funds.” 24 CFR 91.505(a)(1)
2. “To carry out an activity, using funds from any program covered by the consolidated plan (including program income), not previously described in the action plan.” 24 CFR 91.505(a)(2)
3. “To change the purpose, scope, location, or beneficiaries of an activity.” 24 CFR 91.505(a)(3)

Substantial Amendments

The City must specify the criteria that will be used to determine which amendments are substantial amendments. It is these substantial amendments that are subject to the citizen participation process. 24 CFR 91.105(c)(1); 91.505(b)

Criteria for Substantial Amendments

The City of Shawnee considers the following actions to be substantial amendments:

1. A change in the use of CDBG funds from one eligible activity to another, involving an amount greater than 50% of the project for activities with funding in excess of \$100,000.
2. A change in the purpose, scope, location, or beneficiaries of an activity, if the intent of the original activity would be clearly changed.
3. The addition of an activity not originally described in the annual Action Plan.

Public Notice – Substantial Amendments

Public Notice will clearly state the proposed substantial amendment, the reasons for the amendment, and provide the dates for the 30-day public comment period, after which action will be taken. 24 CFR 91.105(c)(2)

Submittal to HUD

Upon completion of the public comment period, the substantial amendment together with an affidavit of publication and any comments received from the public will be submitted to HUD. 24 CFR 91.505(c)(1)

EVENT 7

THE CITIZEN PARTICIPATION PLAN

This Citizen Participation Plan can be changed only after the public has been notified of the intent to modify the Plan, and only after the public has had a reasonable chance to review and comment on proposed changes to the Plan. 24 CFR 91.105(a)(3)

Public Notice

The notice will announce the intent to modify the Citizen Participation Plan and fully describe the modification. After a 30-day public comment period, the Shawnee City Council will consider the modifications to the Plan at a regular Council meeting, and may authorize the City Manager to submit any approved modifications to HUD. 24 CFR 91.105(c)(2)

EVENT SUMMARY

EVENT	Public Notice	Public Comment Period	Public Hearing
Consolidated Annual Performance and Evaluation (CAPER) Report	Yes	20 days	Yes
Identify Housing & Community Development Needs	Yes	N/A	Yes
Applicant Presentation	Yes	N/A	N/A
Five-Year Consolidated Plan	Yes	30 days	Yes
Annual Action Plan	Yes	30 days	Yes
Substantial Amendments to Consolidated Plan	Yes	30 days	No
Non-Substantial Amendments to Consolidated Plan	No	N/A	No
Modifications to Citizen Participation Plan	Yes	30-days	Yes

EVENT 8

AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) RULE

On March 14, 2016, the U.S. Department of Housing and Urban Development (HUD) issued a notice providing guidance to cities on 24 CFR Part 5, Affirmatively Further Fair Housing Rule into the requirements of 24 CFR 91.10-Consolidated Program Year and 24 CFR 91.115-for the Citizen Participation Plan.

During the development of the Assessment of Fair Housing, the City shall:

1. Make any proposed analysis and the relevant documents, including HUD provided data and any other data to be included in the AFFH available to the public;
2. Consult with agencies and organizations identified in consultation requirements 24 CFR part 91;

3. Publish the proposed AFFH in a manner that enables residents and others the opportunities to examine its content and submit comments;
4. And provide notice of the public hearing in the same manner as the Consolidated Plan;
5. Provide a period of not less than 30 calendar days to receive comments from Johnson County residents.

Public Notice

Public Notice will be provided a minimum of 30 days prior to the public hearing. The notice will provide the dates for the 30-day public comment period, the locations where the AFFH is available, and the date, time and place of the public hearing. 24 CFR 91.105(b)

Public Hearing

Provide for at least one public hearing during the development of the AFFH. 24 CFR 91.105(e)

INFORMATION AND ASSISTANCE

PUBLIC ACCESS TO INFORMATION

The City of Shawnee will provide for full public access to information pertaining to any housing or community development program administered by the City of Shawnee (CDBG program). This will include information and records relating to the data or content of the Consolidated Plan, the past, proposed, and actual use of funds, and all documents covered by this Citizen Participation Plan. Records for the previous five years will be maintained at the Planning Department for ready access. 24 CFR 91.105(h)

Standard Documents

Standard documents available to the public include:

1. Citizen Participation Plan
2. Consolidated Plan (proposed and final five-year)
3. Action Plan (proposed and final)
4. Substantial Amendment (proposed and final)
5. Consolidated Annual Performance and Evaluation Report (CAPER) (proposed and final)
6. Environmental Review Records
7. Affirmatively Furthering Fair Housing (AFFH) Plan (proposed and final)

Availability of Standard Documents

The Citizen Participation Plan, Consolidated Plan, Action Plan and CAPER will be posted on the City's web site. Both electronic and hard copies of all these documents are available from the Planning Department, 11110 Johnson Drive, Shawnee, Kansas, 66203, Monday through Friday, between the hours of 8 a.m. - 5 p.m. Upon request, a reasonable number of copies will be provided at no cost within two working days of the request. These materials will be made available in a form accessible to persons with disabilities, when requested.

TECHNICAL ASSISTANCE

The Planning Department will work with participating Cities, as well as with organizations and individuals representing low- and moderate-income people, who are interested in submitting an application to obtain funding for a project. Technical assistance will also be provided on the requirements of the CDBG program, such as Davis-Bacon Fair Labor Standards, environmental policies, fair housing and equal opportunity requirements, and income documentation. 24 CFR 91.105(i)

All potential applicants for funding are encouraged to contact the Planning Department for technical assistance before completing the application form. The Planning Department is located at:

Shawnee City Hall
11110 Johnson Drive
Shawnee, Kansas 66203
(913) 631-2500

Technical assistance provided by the Planning Department does not include the preparation of grant applications. Technical assistance is also provided throughout the year to subrecipients of CDBG funds.

CITIZEN COMMENTS

There are many opportunities for public comment. All comments will be responded to either verbally or, when appropriate, in writing. Citizens can convey their comments:

Verbally at any workshop or Public Hearing,

In writing to the Shawnee City Council or the Director of Planning
at

11110 Johnson Drive
Shawnee, Kansas 66203

By phone at (913) 631-2500,

By fax at (913) 631-7351

CITIZEN COMPLAINTS

Citizen complaints related to the Consolidated Plan, Action Plan, Substantial Amendments and the Performance Report will receive a written reply within 15 working days of receipt of the complaint. 24 CFR 91.105(j)

ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The City of Shawnee does not intend to undertake any activities funded by the U.S. Department of Housing and Urban Development (HUD) that would cause either temporary or permanent displacement of an individual or family. However, the City is required to have a Plan in place should such an event occur. The Plan contains three major components. 24 CFR 91.105(b)(1)

One-For-One Replacement of Low and Moderate Income Dwelling Units

All occupied and vacant occupiable low/moderate-income dwelling units that are demolished or converted to a use other than as low/moderate-income housing as a direct result of an activity assisted under the Section 104(d) of the Housing and Community Development Act of 1974, as amended, will be replaced with low- and moderate-income dwelling units within three years of commencement of the activity.

Relocation Assistance

City of Shawnee will ensure that relocation assistance is provided as described in 24 CFR 570.606 to each low- to moderate-income person who is displaced by the demolition or by the conversion of a low/moderate income dwelling unit to another use as a direct result of a CDBG assisted activity. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA. Such displaced persons may elect to receive either relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or the relocation assistance described at 24 CFR Part 42, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses).

Steps to Minimize Displacement

City of Shawnee will take the following steps to minimize the involuntary displacement of lower-income persons when CDBG funds are involved:

- A. All CDBG applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Applicants who apply for CDBG funds to acquire property for the development of lower-income housing will be encouraged to purchase vacant land or vacant dwellings.
- C. In the case of in-fill and other projects where vacant land or vacant dwellings are not available and the project involves potential displacement, the applicant shall agree to allow the displaced lower- income person(s) to occupy the new housing at an affordable rent.
- D. Applicants who utilize CDBG funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing as well as relocation assistance.
- E. The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant.

The City will also use the applicable HUD Brochures to inform residents/businesses of their rights under the ACT. These Brochures include:

- When a Public Agency Acquires Your Property (HUD-1041-CPD)
- Relocation Assistance to Tenants Displaced from their Homes (HUD- 1042-CPD)
- Relocation Assistance to Displaced Businesses, Nonprofit Organizations, and Farms (HUD-1043-CPD)
- Relocation Assistance to Displaced Homeowners (HUD-1044-CPD)
- Relocation Assistance to Tenants Displaced from Their Homes (Section 104(d)) (HUD-1365-CPD)