

# **City of Oakland**

## **Citizen Participation Plan for the Consolidated Plan**

### **Introduction**

The City of Oakland is required by law to have a detailed Citizen Participation Plan that describes the City's policies and procedures for public involvement in the development of the Consolidated Plan and the use of Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Housing Opportunities for Persons with AIDS (HOPWA) and Emergency Shelter Grant (ESG) money. This Citizen Participation Plan must be available to the public.

The CDBG Program operates under the "Community Participation Plan for Community Development" which was adopted by the Oakland City Council in 1978 and amended in 1980, 1994 and 2000. This plan supplements that plan by providing specifics regarding the timing and notice of the HUD required public hearings and by adopting formal procedures for the CDBG, HOPWA, HOME and ESG grants to conform with the new HUD regulations.

This update reflects new federal regulations, specifically the enactment of a consolidated planning, application and reporting process for HUD programs including CDBG, ESG, HOME and HOPWA.

#### *Encouragement of Public Participation*

The law requires that our Citizen Participation Plan both provide for and encourage public participation in the development of the Consolidated Plan and substantial amendments to the Consolidated Plan or the Performance Report. An emphasis is placed on the involvement of low and moderate income people – particularly those living in low to moderate income neighborhoods, areas where CDBG funds are proposed to be used and residents of public and assisted housing developments. The City of Oakland is expected to take whatever actions are appropriate to encourage participation of minorities, people who do not speak English and people with disabilities.

#### *The Role of Low Income People*

The law states that the primary purpose of the programs covered by this Citizen Participation Plan is to create viable communities by providing decent housing, a suitable living environment and expanding economic opportunities principally for low and moderate income people.

Genuine involvement by low income people must take place at all stages of the process including: identifying needs; setting priorities among these needs; deciding how much money should be allocated to each high-priority need and suggesting the types of programs to meet high-priority needs; as well as overseeing the way in which programs are carried out.

### Stages of the Consolidated Plan Process

The policies and procedures in this Citizen Participation Plan relate to several stages of action mentioned in law or regulation. In general, these stages or events include:

1. Identification of housing and community development *needs*.
2. Preparation of a draft use of funds for the upcoming year called the proposed *Annual Action Plan*. Every five years there may also be the development of a new *Five-Year Strategic Plan*.
3. Formal approval by the City Council of a *final Annual Action Plan or Five-Year Strategic Plan*.
4. It might be necessary to change the use of funds already budgeted in an Annual Action Plan or change the priorities established in the Five-Year Strategic Plan. In that case a formal *Substantial Amendment* will be proposed, considered and acted upon.
5. After a program year is complete, a *Consolidated Annual Performance and Evaluation Report (CAPER)* must be drafted for public review and comment.

### The Program Year

The City of Oakland's program year begins July 1 and ends June 30.

## **Public Notice**

### Items Covered by the Public Notice Requirement

There shall be advance public notice once a federally required document is available, such as the proposed Annual Action Plan, Five-Year Consolidated Plan, any proposed Substantial Amendment to the Action Plan or Consolidated Plan, and the Annual Performance Report. In addition, there shall be advance public notice of all public hearings, and public meetings related to the funds or planning process covered by this Citizen Participation Plan.

### Adequate Public Notice

Adequate advance notice is "timely"; that is, it is given with enough lead time for the public to take informed action. The amount of lead time varies depending on the event, and specific amounts of time are outlined later in the "Stages of the Process" section of the Citizen Participation Plan. The content of notices will give residents a clear understanding of the event being announced.

### Forms of Public Notice for Formal Public Hearings

1. Public notices will be published in the Oakland Tribune, a newspaper of general circulation serving Oakland residents, the Oakland Post and El Mundo newspapers as display advertisements in a non-legal section of the newspaper. Notices will be run on KTOP, the City's cable station, and posted on the City's website.
2. Notice will be sent through letters to local affordable housing organizations and other providers of service to low and moderate income persons.
3. Notice will be sent to the Chair members of the seven Community Development District Boards (North Oakland, West Oakland, Chinatown and Central Oakland, San Antonio, Fruitvale, Central East Oakland and Elmhurst) and other neighborhood organizations.
4. Notice will be posted in the City Clerk's Office.
5. Notice will be given to any person or organization requesting to be on a mailing list.

### Public Notice for Public/Community Meetings

1. Notice of meetings for public bodies such as City Council Committees and advisory boards and commissions will be given in accordance with the Brown Open Meeting Act and the City of Oakland's Sunshine Ordinance.
2. Notice of community meetings (not involving formal public bodies) will be given in a manner designed to maximize public participation.

## **Public Access to Information**

As required by law, the City of Oakland will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual, and past use of funds covered by this Citizen Participation Plan. Regarding the past use of funds, the law requires reasonable public access to records about any uses of these funds during the previous five years.

Also, as required by law, the City of Oakland will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds.

### Standard Documents

Standard documents include: the proposed and final Annual Action Plans, the proposed and final Five-Year Strategic Plan, proposed and final Substantial Amendments to either the Annual Action Plan or Five-Year Strategic Plan, Annual Performance Reports and the Citizen Participation Plan.

### Availability of Standard Documents

Copies of these standard documents will be made available to the public at no cost and within two working days of request. These materials will be available in a form accessible to persons with disabilities, when requested, by calling 238-3716.

### Places where Standard Documents are Available

Standard documents will be available for pickup at the City of Oakland Community and Economic Development Agency offices located at 250 Frank H. Ogawa Plaza, on the third and fifth floors, between the hours of 8:30 a.m. and 5:00 p.m. Additionally, copies of these documents will be available for review at the Main Oakland Library located at 125 14<sup>th</sup> Street and the City Clerk's Office located at City Hall.

## **Public Hearings**

Public hearings are required by law in order to obtain the public's views and to provide the public with the City's responses to public questions and proposals. The law requires at least two public hearings for the public to provide input on community needs, to review proposed uses of funds, and to assess how funds were spent during the previous program year. These hearings are described more fully in the section on "Stages of the Process".

### Access to Public Hearings

Public hearings will be held only after there has been adequate notice as described in the "Public Notice" section of the Citizen Participation Plan, including a display advertisement in the non-legal section of the newspaper approximately 14 days prior to the public hearing.

Public hearings normally will be held at regular evening meetings of the City Council (Tuesdays, 7:00 p.m.), a time that is convenient for most people who might benefit from the use of funds. Public hearings will generally be held at City Hall, a central location accessible by bus and Bay Area Rapid Transit (BART). The City may hold additional public meetings in neighborhood locations, as needed.

### Public Hearings and Populations with Unique Needs

All public hearings will be held at locations accessible to people with disabilities, and provisions will be made for people with disabilities when request are made at least five working days prior to the hearing.

Translators will be provided for people who do not speak English when requests are made at least five working days prior to the hearing.

### The Conduct of Public Hearings

Public hearings will be conducted in the presence of the City Council. Members of the public will be provided with a reasonable opportunity to speak. Other public meetings may be held with only City staff present.

## **The Stages of the Process**

### **A. Identifying Needs**

The laws and regulations require a public hearing each year to obtain residents' opinions about needs and what priority those needs have. The City of Oakland generally combines the identification of needs with the public hearing on past performance that is held each year after the completion of the Annual Performance Report but before the new Annual Action Plan is prepared. The needs that are identified through this process can then be considered by the City and addressed in the next Annual Action Plan.

In the development of the Five-Year Strategy, the City of Oakland may hold community meetings to determine the specific needs and priorities identified by low and moderate income people. The City may also consult with various boards and commissions, such as the Commission on Aging, to further solicit information on the housing and community development needs of low and moderate income people.

### **B. The Draft Annual Action Plan (and/or Five-Year Consolidated Plan)**

The law providing the funds covered by this Citizen Participation Plan calls for improved accountability of jurisdictions to the public. In that spirit and in compliance with the terms of the law, the City of Oakland will use the following procedures.

#### General Information

In June of each year, the Community and Economic Development Agency will distribute a calendar for the preparation of the Consolidated Plan/Annual Action Plan as well as an invitation for input on Community Development Block Grant (CDBG) programs for the fiscal year that will begin in July of the following year (13 months from the date of publication).

#### Technical Assistance

Two weeks after the distribution of the calendar, City staff will hold an orientation meeting for prospective applicants to review requirements for preparing a funding request. All potential applicants are encouraged to attend this meeting and to contact city staff for technical assistance before submitting a proposal.

### Availability of a Proposed Action Plan

The City of Oakland will notify the public that a Proposed Action Plan is available for review in April of each year and will allow 30 days for public comment before the Final Action Plan is submitted to the U.S. Department of Housing and Urban Development (HUD).

At this time, the City will provide the public with an estimate of the amount of CDBG, HOME, ESG, and HOPWA it expects to receive in the upcoming year, along with a description of the range of types of activities that can be funded with these resources. Also, the public will be given an estimate of the amount of these funds that will be used in ways to benefit low and moderate income people.

Copies of the Proposed Annual Action Plan will be made available to the public free of charge and without delay. In addition, copies will be available at the locations specified above in the "Public Access to Information" section.

So that low and moderate income people can determine the degree that they might be affected, the Proposed Annual Action Plan will be complete containing: an estimate of the amount of federal grant funds that will be made available, a discussion of leveraging of other resources, and a written description of all proposed uses of CDBG, HOME, ESG, and HOPWA funds. The plan will also describe specific activities and projects to be undertaken during the fiscal year, as well as other actions to be undertaken in public policy, institutional structure, public housing improvements, public housing resident initiatives, lead based paint hazard reduction, coordination efforts and anti-poverty strategies.

### Public Hearing on Proposed Annual Action Plan

In late April of each year, an Official City Council public hearing will be held to review and hear public comment on the Proposed Action Plan.

In preparing a Final Annual Action Plan, careful 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 Annual Action Plan will have a section in the beginning that presents all comments, plus explanation why any comments were not accepted.

### **C. The Final Annual Action Plan (and/or Five-Year Consolidated Plan)**

Copies of the Final Annual Action Plan will be made available to the public free of charge and within two working days of a request. In addition, copies will be available at the locations specified above in the “Public Access to Information” section.

### **D. Amendments to the Annual Action Plan (and/or Five-Year Consolidated Plan)**

The Final Annual Action Plan will be amended anytime there is a change in one of the Priorities presented on the HUD-required Priority Table; a change in the use of funding for an activity not included in the Final Annual Action Plan; or a change in the purpose, location, scope or beneficiaries of an activity. The public will be notified whenever there is a Substantial Amendment as defined below.

The following will be considered “substantial” amendments:

1. A change in the use of CDBG funding from one activity to another (i.e., “reprogramming” of CDBG funds).
2. Funding of an activity type not described in the Annual Action Plan.
3. Changing the priorities contained in the Five Year Strategy
4. Increasing or reducing the amount allocated to an activity by more than 25 percent. Changes of less than \$15,000 will not be considered Substantial Amendments. For activities that contain multiple projects or contractors (such as a citywide housing development program in which funds are awarded through a separate process to multiple developers), changes in an activity will not be considered Substantial Amendments unless the total amount budgeted for the activity/program is changed by more than 25 percent, or unless there is a significant change in the number or character of the proposed beneficiaries.

#### *Public Notice and Public Hearing for Substantial Amendments*

There will be reasonable notice of a proposed Substantial Amendment so that residents have the opportunity to review and comment on it. Notice will be made according to the procedures described earlier in this Plan, with the addition of the following procedures specifically for Substantial Amendments:

1. A detailed description of the proposed Substantial Amendment will be made available to the public at no charge within two working days of a request. Also, copies will be available at the locations indicated earlier under the “Public Access to Information” section.
2. There will be a public hearing regarding the Substantial Amendment conducted by the City Council. A public notice will be published at least 14 days prior to the public hearing. The

public will have a 30-day public comment period to review and respond to the Proposed Amendment.

3. In preparing the Final Substantial Amendment, careful 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 Substantial Amendment will include a discussion that presents all comments, plus explanation why any comments were not accepted.

#### **E. The Annual Performance Report (CAPER)**

The City must send HUD a Consolidated Annual Performance and Evaluation Report (CAPER) by September 30<sup>th</sup> or within 90 days of the close of the program year. The Annual Performance Report describes how funds were actually 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.

##### Public Notice and Comment for the Annual Performance Report

There must be reasonable notice that the CAPER is available so that residents have an opportunity to review it and comment. Notice will be made according to the procedures described earlier in this Plan with the following procedures specifically for the Annual Performance Report:

1. The City will publish a public notice of the availability of the CAPER consistent with the public notice procedures described above.
2. A complete copy of the draft Annual Performance Report will be made available to the public at no cost within two working days of a request. Copies will also be available at the locations indicated earlier under the "Public Access to Information" section.
3. The City will provide at least 15 days from the date of publication of the CAPER for the public to comment on the proposed CAPER.
4. In preparing the Annual Performance Report submission to HUD, 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. The Annual Performance Report sent to HUD will have a section that presents all public comments, plus explanations why any comments were not accepted.

##### Content of the Annual Performance Report

The CAPER presented to the public will contain information regarding the amount of federal grant funds made available during the past year, and any other funds that were leveraged with the federal grant funds. The CAPER will provide a narrative on progress towards meeting the goals



set forth in the Five Year Strategy and Annual Action Plan, comparing actual accomplishments to planned actions, and an assessment of the City's overall performance.

For CDBG-funded activities, the CAPER will provide at least as much detail as required by HUD for Grantee Performance Reports. The CAPER will include an accounting of each activity in the Action Plan, until the activity is officially finished. For each activity the details presented will include, but are not limited to

1. Project Number from Action Plan
2. Name of the activity
3. A description of the activity
4. The location of the activity, which includes a street address or some other information showing specifically where the activity was or is being carried out, and the community development district where the activity is located.
5. The status of the activity (cancelled, underway, completed)
6. The date the activity was initially funded.
7. The amount of funding authorized and disbursed in and through the program year.
8. The accomplishments of the activity, including numerical measures, where appropriate.
9. For activities that provide a direct benefit to individuals or households, the activity will show the number of individuals or households served by: income level (low/moderate, low or extremely low income); race; and the number that were female head of household.

#### Public Hearing on Past Performance and Current Needs

1. Each year, between December and February, there will be a public hearing regarding the Annual Performance Report and to assess current needs.
2. This public hearing will be conducted by the City Council at one of its regularly scheduled meetings.

### **Complaint Procedures**

The City of Oakland will investigate and provide a timely, substantive written response to every written complaint received from the public. The City will reply within 15 working days of receipt of the complaint.

## **Changing the Citizen Participation Plan**

This Citizen Participation Plan can be changed only after the public has been notified of an intent to modify it, and only after the public has had a reasonable chance to review and comment on proposed substantial changes to it.