

RESOLUTION NO. 3038

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND TO APPROVE THE AMENDED CITIZEN PARTICIPATION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT PROGRAM.

WHEREAS, the Maryland State Office of the U.S. Department of Housing & Urban Development (HUD) has determined that the City of Salisbury qualifies as an "entitlement community"; and

WHEREAS, the City of Salisbury is, therefore, entitled to receive Community Development Block Grant (CDBG) funds directly from HUD upon HUD's approval of a Consolidated Plan and/or Annual Action Plan; and

WHEREAS, the Consolidated Plan must include, as one of its elements, a Citizen Participation Plan which describes how the City will solicit input from its local citizens during the development of the Consolidated Plan, the Annual Action Plan, any substantial amendments to these documents, and the Consolidated Annual Performance and Evaluation Report (CAPER); and,

WHEREAS, as a result of the COVID-19 pandemic the CARES Act was passed by the federal government which allows HUD to issue certain Plan Amendment Waivers and CDBG Flexibilities for alternate/virtual public hearing procedures and expedited public comment periods during disasters and/or emergencies; and

WHEREAS, all entitlement jurisdictions are required to amend their Citizen Participation Plans to include these new elements; and

WHEREAS, the HUD regulations concerning the development of a Consolidated Plan specify that the Citizen Participation Plan must be adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Salisbury, Maryland does hereby approve the amendments to the Citizen Participation Plan and adopt the City of Salisbury Citizen Participation Plan, as attached.

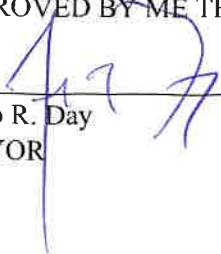
THE ABOVE RESOLUTION was introduced, read, and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on May 26, 2020, and is to become effective immediately.

ATTEST:


Kimberly R. Nichols
CITY CLERK


John R. Heath
CITY COUNCIL PRESIDENT

APPROVED BY ME THIS 29th day of May, 2020.



Jacob R. Day
MAYOR

Housing & Community Development Department

MEMO

To: Keith Cordrey

From: Deborah Stam

Subject: Resolution Approving the Updated / Revised Citizen Participation Plan for the City of Salisbury

Date: May 14, 2020

As you are aware, the City of Salisbury is an entitlement jurisdiction for Community Development Block Grant (CDBG) funds. As such, we receive an allotment of CDBG funds directly from HUD each year, following HUD's review and approval of our Consolidated Plan and/or Annual Action Plan.

The City's Consolidated Plan must include, as one of its elements, a Citizen Participation Plan which describes how the City will solicit input from its local citizens during the development of the Consolidated Plan, the Annual Action Plan, any substantial amendments to these documents, and the Consolidated Annual Performance and Evaluation Report (CAPER).

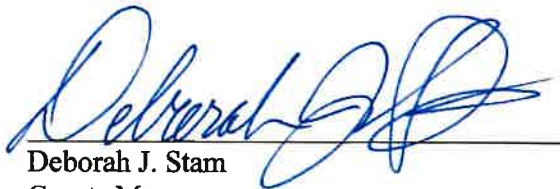
This year, in response to the COVID-19 pandemic, HUD has issued certain Plan Amendment Waivers and CARES Act CDBG Flexibilities which allow for alternate / virtual public hearing procedures and expedited public comment periods during disasters and/or emergencies. As a result, all entitlement jurisdictions are now required to amend their Citizen Participation Plans to include these new elements.

Therefore, I have drafted a revised/updated Citizen Participation Plan for the City of Salisbury, which includes these new elements. I have also added some additional language regarding the public participation requirements for the Environmental Review process, and I expanded the information in some of other sections for greater clarity.

HUD regulations specify that the Citizen Participation Plan must be adopted by the Salisbury City Council. Attached you will find a copy of the updated City of Salisbury Citizen Participation Plan, and a resolution approving/adopting that document. Please forward this information to the City Council so that this item may be placed on their agenda for the May 26, 2020 legislative meeting. Thank you for your assistance.

Attachments

CC: Kim Nichols
Diane Carter
Julia Glanz
Andy Kitzrow
Mark Tilghman
Kristine Devine
Olga Butar


Deborah J. Stam
Grants Manager
Finance Department / HCDD

City of Salisbury

Citizen APPENDIX A: CITY OF SALISBURY CITIZEN PARTICIPATION PLAN

Participation Plan



Finance Department / HCDD
May 2020

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City of Salisbury **Citizen Participation Plan**

1) Participation

The City of Salisbury will provide for and encourage citizen participation in the development of priority housing and community development needs eligible for funding by the federal Community Development Block Grant (CDBG) Program. In particular, the City will encourage citizen participation in the development of the Consolidated Plan, the Annual Action Plan, any amendments, and the Consolidated Annual Performance and Evaluation Report (CAPER).~~performance report.~~ The City will also encourage citizen participation in the method of fund distribution.

The City will especially encourage the participation of low-~~to -~~moderate-~~income~~ persons, including minorities, and advocates for those with physical and/or mental disabilities, the elderly, and others with special needs. In addition, the City will encourage the participation of residents of public and assisted housing, recipients of tenant-based assistance, officials of the local Public Housing Agency, and representatives of the homeless. In particular, the City will encourage the participation of those deemed to be prospective beneficiaries of the Program, and those residents in areas and neighborhoods to be served by the Program.

2) Access to Information

The previously cited citizens, public agencies, and other interested parties, including those citizens directly affected, will be provided adequate information on the Program, including the anticipated amount of CDBG funds that will be available for the current fiscal year, and the range of activities that the City may undertake with these CDBG funds. They also will be provided the opportunity to review and submit comments on any of the identified housing and community development needs, the amount of funds expected to be received, and the activities proposed to be undertaken to resolve the identified needs.

Anti-displacement

~~The City proposes to take all reasonable steps to minimize the displacement of any persons in undertaking all CDBG-funded activities. However, if any persons are displaced, the City will provide the affected persons with assistance as outlined in the City of Salisbury Residential Anti-Displacement and Relocation Assistance Plan, or will require the grantee to provide this same level of assistance.~~

3) Plan Publication

The City of Salisbury will widely publish its Consolidated Plan in order to provide its citizens the opportunity to review and comment on it. ~~The In-particular, a summary of the Consolidated Plan, and/or the Annual Action Plan and the CAPER will be posted/published in the Daily Times and on the City of Salisbury website under the Housing & Community Development Department (HCDD) – Community Development section. Hard. In addition, summaries and/or complete copies of the plans/Plan will also be placed/made available at the Wicomico County Free-Library – Downtown Branch. A printed copy of and at the plan may be requested from the City of Salisbury, Finance Department / HCDD by contacting / Wicomico County Government Office Building. A selected number of copies of the Consolidated Plan and Annual Action Plan will be distributed free to the department in advance at (410) 341-9550, public (upon request).~~

4) Public Hearings

The City will also schedule and hold at least two (2) Public Hearings annually to solicit citizen comments on its Consolidated Plan and/or Annual Action Plan. Although held at different stages of the program year, these hearings will address housing and community development needs, proposed activities to resolve the needs, and program performance. These hearings will be held at times and locations that are convenient to both potential and actual beneficiaries. All locations will be accessible to those with physical disabilities. If the City expects that a significant number of non-English speaking residents will be participating in the hearing, the City will attempt to provide an interpreter for the non-English language expected to be most prevalent among people at the hearing. All such hearings will be scheduled separately from the regularly scheduled City Council meetings.

In the event that national or local officials recommend social distancing and/or limited public gatherings for public safety reasons, virtual or web-based hearings will be used in lieu of in-person hearings. If this format is used, accommodations for real-time responses, timely responses from local officials to all citizen questions and issues, public access to all questions and responses, and accommodations for persons with disabilities or limited English proficiency will be made to the greatest extent possible.

The hearings will generally address housing, social, and community development needs, proposed activities, and the review of program performance. On the day of the public hearing, comments may be submitted in writing or made orally during the hearing.

5) Notice of Public Hearings

Adequate advance notice of each public hearing will be provided to all of Salisbury's citizens. In particular, at least two (2) weeks prior to a public hearing, a notice will be published in the local newspaper (i.e. the Daily Times) and posted on the City of Salisbury website. This notice will include sufficient information on/about the hearing, including the purpose, date, time, location, and any important constraints.

6) Notices During Disasters or Emergencies

In the event of certain disasters or emergencies, HUD may provide waivers and/or alternative requirements relative to public notification processes. In such events, the City may avail itself of those alternatives provided that they will help in expediting notifications for the delivery of assistance to the community.

7) Access to Meetings

All meetings and public hearings related to the CDBG Program will be held in reasonably accessible locations.

8) Public Comments

It is the policy of ~~In preparing its Consolidated Plan,~~ the City to provide residents, service providers, government agencies, and other stakeholders a sufficient time period to review and comment on the proposed Consolidated Plan, Annual Action Plans, and substantial amendments.

When any draft plan or report is complete or a substantial amendment is proposed, the availability for public review and comment will be publicly announced along with the date(s) of applicable public meeting(s).

All public notices will advise interested persons of the process to submit comments and obtain additional information regarding the proposed action(s). The City of Salisbury will consider any comments received during the public comment period and make modifications, if appropriate, in response to the comments, before it completes, adopts or submits the information to HUD, as applicable.

A summary of all comments or ~~the views of its citizens~~ received in writing, or orally, public agencies, and all other interested parties. In particular, prior to submission of the Plan to HUD for approval, the City will provide for at public hearings, along with a summary of any comments not accepted and reasons thereof, will be attached and made a part of the corresponding document~~least a thirty (~~

The City provides citizens timely opportunities to review and submit comments on the Consolidated Plan, Action Plans, substantial amendments, and performance reports as outlined below:

Consolidated Plan & Annual Action Plans --- 30 days) day citizen comment period.

Substantial Amendments --- 30 days

Consolidated Annual Performance & Evaluation Reports (CAPER) --- 15 days

Emergency Special Waivers / Flexibilities --- 5 days

Comments may be made in person or in writing to:

Grants Manager

Finance Department / HCDD

City of Salisbury

207 West Main Street, Suite 102

Salisbury, Maryland 21801

Or emailed to: dstam@salisbury.md

In person: Monday through Friday, from 8:30 a.m. until 4:30 p.m.

9) Substantial Amendments

The City of Salisbury may amend its Consolidated Plan as the need arises. Any substantial amendments to the Consolidated Plan will provide for a 30-day public comment period. The City will give citizens reasonable notice and an opportunity to comment on the proposed amendment. All citizen comments provided to the City either orally or in writing will be considered prior to implementing the Plan change. A summary of these citizen comments and the City's decision and reasoning with respect to their acceptance will be included with the changes or "substantial amendments" to the Plan.

Federal regulations require the inclusion of specific criteria in the Citizen Participation Plan for determining what constitutes a change in programming activities significant enough to be classified as a "Substantial Amendment" to the Consolidated Plan.

The City of Salisbury will use the following criteria to determine whether a change is substantial enough to warrant an amendment to the City's Consolidated Plan:

- A change in which the total grant award for an entitlement program increases or decreases by more than 50% during the program year.

- To carry out an activity that was not previously identified in the plan.
- A change in ~~The~~ purpose, scope, location, funding, or beneficiaries from one ~~of a~~ CDBG activity ~~is the~~ eligible activity to another by more than 50% of the total amount previously authorized.

A change in federal rules or regulations that mandates an alteration in current programming operations would not be . A change in the purpose is considered a “substantial amendment, but rather a conforming regulatory requirement.

10) Disasters, Emergency Events, and Urgent Needs

In the event of a declared disaster or emergency, it may be necessary to expedite substantial amendments to the Consolidated Plan and/or Annual Action Plan. These amendments may include funding new activities and/or the reprogramming of funds, including canceling activities to meet needs resulting from a declared disaster or emergency. In these instances the City may utilize CDBG funds to meet these needs with a 5-day public comment period instead of a 30-day public comment period (otherwise required for substantial amendments).

With respect to a declared disaster or emergency event, the City may elect to use CDBG funds to address needs not provided for by the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA), or other disaster relief efforts. Funding for disaster relief may not duplicate other efforts undertaken by federal or local sources unless allowed by the federal government. Potential ”when the eligible uses of funds are those that are included in this Citizen Participation Plan, the Consolidated Plan, or any other CDBG-eligible use. HUD may provide new guidance on eligible uses in which the City will comply with and may utilize as well.

Urgent Needs

To comply with the “Urgent Needs” National Objective, activities undertaken in response to disaster or emergency events will meet community development needs having particular urgency. These activities will alleviate existing conditions that the City certifies:

- Pose a serious and immediate threat to the health and welfare of the community;
- Are of recent origin or recently became urgent;*
- Are unable to be financed by the City on its own;** and
- Other resources of funding are not available to carry out the activity-changes, e.g., from rehabilitation to demolition.

The scope of a CDBG-funded activity means the type of action within the eligible activity changes. A "substantial change" in scope occurs when the effect within the eligible activity changes, e.g., a substantial change in the number of housing units to be rehabilitated.

The location of a CDBG-funded activity is the site where the funded activity takes place. A change in location is considered "substantial" when the service area of the activity changes.

The * A condition will generally be considered to be of recent origin if it is developed or became critical within 18 months preceding the City's certification.

** If HUD allows activities under Urgent Needs to be funded without the requirement that the participating jurisdiction is unable to finance the activity on its own and with no other resources available to carry out the activity, the City will only certify that the activity poses a serious and immediate threat to the health and welfare of the community. Therefore, it is of recent origin or recently became urgent.

Activities to address "Urgent Needs" include, but are not limited to the following:

- Clearance of debris;
- Provision of extra security patrols;
- Demolition, clearance and/or reconstruction of damaged property posing an immediate threat to public safety;
- Emergency reconstruction of essential water, sewer, electrical, medical, and telephone facilities;
- Emergency repair of streets and sidewalks; and
- Providing a variety of relief services to individuals

11) Environmental Review Process

An environmental review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment, and the property site itself will not have an adverse environmental or health effect on end-users. Not every project is subject to a full environmental review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must be in compliance with the National Environmental Policy Act (NEPA), and other related Federal and state environmental laws. As part of this process, public notification and solicitation of comments may be required. Environmental Review Records (ERR's) for all CDBG-funded projects are maintained on file at the City of

Salisbury Housing & Community Development Department, 207 West Main Street, Suite 102, Salisbury, Maryland 21801, and may be viewed by the public Monday through Friday between the hours of 8:30 am and 4:30 pm.

Dissemination and/or Publication of the Findings of No Significant Impact

If the City of Salisbury makes a "finding of no significant impact" it will prepare a Notice of Finding of No Significant Impact (FONSI). This FONSI notice will be published in the local newspaper (the Daily Times), and copies of the notice will be mailed to all agency representatives on the City's environmental mailing list, and to the HUD Field Office. There is an expectation that the City of Salisbury will publish the FONSI notice in the Daily Times newspaper, however, if the notice is not published, it will be prominently displayed in City Hall, and may also be published on the City's website and/or social media.

The City of Salisbury may disseminate or publish a FONSI notice at the same time it disseminates or publishes the Notice of Intent to Request Release of Funds (NOI-RROF) as required by 24 CFR §58.70. If the notices are released as a combined notice, the combined notice shall:

- Clearly indicate that it is intended to meet two separate procedural requirements; and
- Advise the public to specify in their comments which "notice" their comments address.

The City of Salisbury will consider any comments received during the below public comment period and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and submits the RROF to HUD.

Public Comment Period - Environmental Review

Required notices must afford the public the following minimum comment periods, counted in calendar days:

<u>Notice of Finding of No Significant Impact</u>	<u>15 days when published, or, if no publication, 18 days when mailing and posting</u>
<u>Notice of Intent to Request Release of Funds</u>	<u>7 days when published, or, if no publication, 10 days when mailing or posting.</u>

Concurrent or Combined Notices

15 days when published, or if no publication,
18 days when mailing and posting.

Written comments related to environmental reviews must be submitted to:

Grants Manager

Finance Department / HCDD

City of Salisbury

207 West Main Street, Suite 102

Salisbury, Maryland 21801

Or emailed to: dstam@salisbury.md

~~beneficiaries of a CDBG-funded activity are the persons or groups targeted to receive the benefits of that activity. A change in beneficiaries is considered substantial when the sponsor or the City cancels the project or the category of the people served changes.~~

~~A change in budget will be deemed "substantial" if the budget revision is proposed resulting in a transfer between approved projects and activities of a cumulative amount more than 10% of the grant award.~~

12) Consolidated Annual Performance and Evaluation Report (CAPER) Reports

Within 90 days after the close of the City's fiscal year (September 30th), HUD regulations require the City to ~~The City of Salisbury will submit a performance report :~~ the Consolidated Annual Performance and Evaluation Report (CAPER). Principally, the CAPER provides information on how the federal funds were spent and the extent to which they were used for activities that benefited low and moderated income citizens.

The CAPER also provides HUD with information to assess whether the City carried out its programs in compliance with applicable regulations and requirements, as stated in that year's plan. Additionally, the CAPER is a vehicle through which the City can describe its program achievements to local citizens.

~~to HUD on the City's CDBG-funded activities outlined in the Annual Action Plan. Like the Consolidated Plan and the Annual Action Plan, the citizens will be provided with an opportunity to comment on the CAPER performance report. Prior to submission of the CAPER this performance report to HUD, all citizens will be provided a fifteen (15) day comment period. Any citizen comments provided either orally or in writing to the City~~

will be considered prior to submission of the report. A summary of the citizen comments will be attached to the report.

13) Plan Availability and Access to Records

The City of Salisbury's Consolidated Plan, Annual Action Plan, any substantial amendments to either of those documents~~document~~, and the Consolidated Annual Performance and Evaluation Report (CAPER)~~performance report~~ will be made available to the public. In particular, all of these documents, as well as any related documents, will be available to any interested party, upon request, in the City of Salisbury Housing~~Office of Business~~ & Community Development Department (HCDD), 207 West Main,~~125 North Division Street, Suite 102, (Room 104),~~ Salisbury, Maryland 21801.

14) Antidisplacement

The City proposes to take all reasonable steps to minimize the displacement of any persons in undertaking all CDBG-funded activities. However, if any persons are displaced, the City will provide the affected persons with assistance as outlined in the City of Salisbury Residential Antidisplacement and Relocation Assistance Plan, or will require the subrecipient grantee to provide this same level of assistance.

15) Technical Assistance

If needed, and requested in writing, the City of Salisbury will offer technical assistance directly to groups representing low-to-moderate-income persons, neighborhood organizations, and community service organizations. Alternatively, the City may refer these groups to a competent local organization that can provide such assistance. Generally, such assistance would include the development of project proposals for CDBG-funding assistance.

16) Complaints

Any ~~written~~ complaints from citizens with respect to the Consolidated Plan, the Annual Action Plan, any amendments, and or the Consolidated Annual Performance and Evaluation Report (CAPER)~~the performance report~~ will be responded to by the City within a reasonable period of time. Such a response will be provided by the City within fifteen (15) days, if practicable. Written complaints shall receive a written response.

Approved by the Salisbury Mayor and City Council

May XX, 2020~~March 22, 2004~~