

CHAPTER 9

CITIZEN PARTICIPATION

Citizen participation requirements for Ohio's Community Development Block Grant (CDBG) Small Cities Program are designed to provide local citizens with an opportunity to participate in the planning, implementation and assessment of the community's CDBG program. Two public hearings are required: the first one at the initial stage of application preparation, and the second one after the application is developed but prior to its submission to OLGS. An active citizen's advisory committee can provide valuable input, experience and even technical expertise to assist the administrative staffs of local programs. The establishment of a citizen advisory committee(s) is not required, although it can be very helpful in promoting citizen interests, and resolving policy issues.

The purpose of citizen participation is to assure that the CDBG program addresses the needs of those whom it is primarily intended to benefit, namely: low- and moderate-income persons. Failure to seek and consider citizen input is a violation of program regulations and can result in citizen complaints and charges that national program objectives are not being met.

Each grantee must adopt a citizen participation plan which, at a minimum:

- (a) provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which section 106 funds are proposed to be used, and in the case of a grantee described in section 106(a), provides for participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;
- (b) provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by regulations of the Secretary, and relating to the actual funds under this title;
- (c) provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;
- (d) provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

- (e) provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and
- (f) identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. This paragraph may not be construed to restrict the responsibility or authority of the grantee for the development and execution of its community development program.

If the locality already has a written citizen participation plan, it is recommended that the existing procedure be maintained and updated as needed. Counties with acquired and/or option cities must fulfill Citizen Participation requirements on behalf of those jurisdictions.

Under the Formula Program, an eligible county receives a funding allocation which is distributed with the intent of providing financial assistance to county projects and to projects in cities, villages, and townships within the county jurisdiction. Under the competitive programs, a county may apply for funding in its own behalf or in behalf of a city, village, or township within its jurisdiction. A county, as part of any application process and grant administration, is required to:

- (1) Formally send written notice of the availability of funds and date of the public hearing to public officials from cities, villages and townships within its jurisdictional limits, before submitting a funding application to the State.
- (2) Consider the needs of cities, villages and townships in preparing applications under the program.
- (3) Formally solicit and consider funding requests from cities, villages and townships. A sample application for submission of county projects is shown in Attachment 9C.
- (4) Assume full responsibility for direct administration of the entire county program, and compliance with all applicable Federal and State laws.
- (5) Not subgrant CDBG funds or subcontract project administration to jurisdictions on whose behalf the county has applied. The county, however, may contract with a separate agency (e.g., CAP, RPC) for necessary program administration services. A county may subcontract activity implementation to a city whose base allocation under the Formula Program exceeds \$25,000 but is less than \$50,000.

- (6) Procure those contracts necessary for the design, implementation, and administration of the county program, according to CDBG standards and guidelines.
- (7) Retain all program records, according to CDBG and State of Ohio guidelines.

The minimum citizen participation public hearing requirements for the Small Cities CDBG program are the following:

- Public Hearing #1 must be held prior to the development of the application. Adequate notice of Public Hearing #1 must be published 10 days in advance in a newspaper of general circulation in the locality and in a non-English language newspaper where they exist. Public service radio announcements are also encouraged (See Attachment 9A).
- Public Hearing #2 must be held after the application is developed but prior to its submission to OLGS. Adequate notice of Public Hearing #2, including a summary of the proposed activities to be undertaken, must be published 10 days in advance in a newspaper of general circulation in the locality and in a non-English language newspaper where they exist. Public service radio announcements are also encouraged. (See Attachment 9B).
- Minutes of both Public Hearing #1 and #2 must be maintained in the grantee's citizen participation file. The minutes must be accompanied by a list of attendees at each hearing.
- Any written citizen comments or complaints provided at the public hearings or during the implementation of the program must be maintained in the grantee's citizen participation file.
- Citizen complaints regarding the planned or actual implementation of the program must be responded to promptly in writing within 15 days. At the time the response is made, a copy of the complaint and the response must be sent to OLGS. The response to a citizen complaint should include any remedial action(s) that the grantee will undertake.
- Program documents must be made available for public inspection and copying during regular business hours at the offices of the grantee, upon written or oral request. Available documents must, at a minimum, include:
 - (a) Program regulations;
 - (b) Applications;
 - (c) Status reports and performance reports; and
 - (d) Activity guidelines such as housing rehabilitation guidelines.
- Bilingual opportunities should be provided where applicable. If the community has a population segment with a primary language other than English, bilingual notices and provision for translations of program documents should be provided.

Since the two public hearings are the primary citizen participation mechanisms required of all applicants, it is important that all of the necessary program information be conveyed at each hearing, and the minutes of each hearing, including all citizen comments, be maintained in the appropriate CDBG file.

Information to be conveyed and program areas to be discussed at Public Hearing #1 are the following:

- National and state program objectives;
- Amount of money available to the locality;
- Range of eligible activities;
- Performance of the locality in past CDBG programs, if applicable;
- A summary of other program requirements;
- Date of Public Hearing #2;
- Date Application is due to OLGS; and
- Citizen views and comments.

Between Public Hearing #1 and Public Hearing #2, the locality may wish to formally solicit block grant proposals from organizations, individuals, other governmental units, or other subrecipients. An example of a CDBG recipient application form is provided as Attachment 9C.

Ten (10) or more working days after the first public hearing, Public Hearing #2 is required in order to give citizens an opportunity to review and comment on the locality's proposed Application prior to its submission to OLGS.

The format for Public Hearing #2 must include the following information and areas for discussion:

- A presentation by a representative(s) of the locality on the city's or county's proposed CDBG program, including the activity or activities to be undertaken, the amount of CDBG and other funds allocated for each activity, the objective of each activity, the timetable for starting through completion of each activity, and what national objective(s) each activity will meet.
- The grantee should have available for citizens a written summary of the proposed CDBG program. Note: Copies of the newspaper notice that advertised the second public hearing, which includes a summary of the locality's proposed CDBG program, should provide the necessary information.
- Citizen views and comments.

Citizen participation/public hearing is also a part of the program amendment process. If OLGS determines that a program change constitutes an amendment, one public hearing will be required at that time. The primary purpose of an Amendment Public Hearing is to provide citizens with an opportunity to review and comment on a "substantial change" in a grantee's CDBG program. The format for an Amendment Public Hearing should be similar to Public Hearing #2 outlined above (see Attachment 9D, "Notice of an Amendment Public Hearing."

Common Deficiencies:

- Lack of participation by low- and moderate-income and minority persons and affected residents;
- Failure to provide adequate information to residents;
- Key program documents not readily available;
- Public notices which do not contain required information; and
- Failure to document public hearings.

Supporting Materials:

- Sample Notice of Public Hearing #1 (9A)
- Sample Notice of Public Hearing #2 (9B)
- Sample Notice of Recipient CDBG Application Form (9C)
- Sample Notice of Amendment Public Hearing (9D)

Attachment 9A

SAMPLE
NOTICE OF PUBLIC HEARING #1

Date of Publication _____

The city (or county) of _____ intends to apply to the Ohio Department of Development for funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally-funded program administered by the state. The city (or county) is eligible for \$_____ of Fiscal Year _____ CDBG funding, providing the city (or county) (specify year) meets applicable program requirements.

The first of two (or more) public hearings will be held _____ (specify date) at _____ at _____ to provide citizens with (specify time) (specify location) pertinent information about the CDBG program including an explanation of eligible activities and program requirements. The CDBG program can fund a broad range of activities, including: economic development projects, street, water supply, drainage and sanitary sewer improvements, park acquisition and improvements, demolition of unsafe structures, rehabilitation of housing, and neighborhood facilities. The activities must be designed to primarily benefit low- and moderate-income persons, aid in the prevention or elimination of slums and blight, or meet an urgent need of the community.

Citizens are encouraged to attend this meeting on _____ to (specify date) provide their input on the city's (or county's) CDBG program.

Attachment 9B

SAMPLE
NOTICE OF PUBLIC HEARING #2

DATE OF PUBLICATION _____

The city (or county) of _____ intends to apply to the Ohio Department of Development for funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally-funded program administered by the state. The city (or county) is eligible for \$_____ of Fiscal Year _____ CDBG funding, provided the city (or county) meets applicable program requirements. On _____, the city (or county) conducted its first public hearing to inform citizens about the CDBG program, how it may be used, what activities are eligible, and other important program requirements.

Based on both citizen input and local officials' assessment of the city's (or county's) needs, the city (or county) is proposing to undertake the following CDBG activities for Fiscal Year _____:

(List activity, CDBG and other funding source amount, and the national objective to be met.)

A second public hearing will be held _____ at _____ at _____ to give citizens an adequate opportunity to review and comment on the city's (or county's) proposed CDBG Application, including the proposed activities summarized above, before the city (or county) submits its Application to the Ohio Department of Development.

Citizens are encouraged to attend this meeting on _____ to express their views and comments on the city's (or county's) proposed CDBG Application.

Attachment 9C

Date Received: _____

**CDBG Formula Program
Application to County
for Consideration**

1. Total proposed activities must be such that can be completed between January 1990, and December 1990.
2. All non-residential construction and improvements must meet or exceed State Building Codes.
3. Cost estimates must be itemized, signed, and provided by a qualified source (i.e. Engineer, architect, county engineer, contractor, etc.)
4. All cost estimates for construction projects with an estimated cost of \$2,000 or more must include federal prevailing wages.
5. Chip and seal or gravel-base road improvements are not eligible.
6. Fire departments must provide a complete list of equipment needed to meet specific Safety Requirements of the Industrial Commission of Ohio Relating to Fire Fighting, ORC 4121:1-21, along with their itemized list of equipment request and estimate(s) of cost.
7. Only the county may enter into contracts for your project.
8. If you are committing other funds to the project and/or if other sources of funds are included in this project, copies of letters, resolutions, ordinances, etc., committing these funds must be submitted at the time of this application to the county commissioners.
9. Attach letter(s) from agency(s) requiring improvements, if applicable.
10. Organizations (other than local governments) must submit a copy of their constitution and by-laws.

****COMPLETE THE FOLLOWING****

11. **APPLICANT INFORMATION:**

a. Name of Applicant: _____ Phone No. _____

Address: _____

b. Contact Person: _____ Phone No. _____

Address: _____

Note: Are you a public service group or non-profit entity?

Check One: Yes No

If yes, attach a copy of constitution and by-laws. (See item 10 above.)

12. **PROJECT INFORMATION**

a. Describe Project Activity and measurements in detail: (attach additional sheets and photographs if necessary) _____

Note: a. Fire departments -- see item (6) above.

b. Describe if project is necessary to meet state or local requirements or mandates -- see item (9) above.

b. Will you need to acquire easements or property to complete this project? Yes No

If yes, explain: _____

Is this property occupied? Yes No

c. Who provided the Project Cost Estimate?

Name: _____

Address: _____

Phone No. _____

Labor (use federal prevailing wage) \$ _____

Materials \$ _____

Engineering \$ _____

Total Cost of Project \$ _____

Note: Attach a copy of the cost estimate. (See items (3) & (4) above)

d. How much CDBG money is being requested? \$ _____

If you are not applying for the total cost of the project, where will the other funds come from?

	<u>Source</u>	<u>Amount</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

(list others if necessary)

Note: a) Attach commitment letters from the sources listed above. (See item (8) above.)

b) Proposed project must meet State Building Code. (See item (2) above.)

e. Will Village, Township, or County employees perform any work?

____ Yes ____ No

If yes, will the employees be paid from the CDBG grant?

____ Yes ____ No

Describe the work to be performed by Village, Township, or County employees.

13. PROJECT BENEFIT INFORMATION

a. Where is the exact location of the project? _____

Note: Provide a map which shows the location of the activity.

b. What is the project service area? _____

Note: Provide a map of the boundaries of the service area.

c. Who will benefit from this project? _____

d. How many households are in the service area? _____

e. Have you completed an income survey? Yes ____ No ____

Note: Submit the surveys with this form.

What date were the households surveyed? _____

1. Number of Households Surveyed? _____

2. Number of Low-Moderate Income Households (# of surveys with checkmarks)? _____

3. % Low-Moderate Income Households (line 2 divided by line 1)?

4. Number of Persons in Households Surveyed? _____

14. SITE INFORMATION

a. Does your project affect an historical property or does your project occur in an historical district?

____ Yes ____ No

If yes, explain: _____

b. Is your project located in a floodplain?

____ Yes ____ No

If yes, explain: _____

c. Will any access fees be charged? (i.e. sewer or water line hook-up, membership fees, entrance fees, etc.)

____ Yes ____ No

If yes, explain: _____

Signature

Typed Name

Title

If you have any questions contact:

SAMPLE
NOTICE OF AMENDMENT PUBLIC HEARING

The city (or county) of _____ proposes to amend its Fiscal
Year _____ Community Development Block Grant (CDBG) Small
(specify year)
Cities Program agreement with the Ohio Department of Development. Specifically,
the city (or county) proposes to make the following amendment(s):

Existing Activity: _____
(specify project/activity and budget amount as
originally approved by the State)

Proposed Amended Activity: _____
(specify new, proposed project/activity and
budget amount)

A public hearing will be held _____ at _____
(specify date) (specify time)
at _____ to provide citizens with an opportunity to
(specify location)
express their views and opinions on the city's (or county's) proposed CDBG
amendment(s) prior to its submission to the Ohio Department of
Development.

All the terms contained in the original CDBG agreement between the Ohio
Department of Development and the city (or county) of _____
shall remain and no terms of the original agreement, except those set out
above, will be changed by the proposed amendment(s).

Citizens are encouraged to attend this meeting on _____
(specify date)
to review and comment on the city's (or county's) proposed CDBG
amendment(s).