



Legislation Text

File #: 20-791, Version: 1

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Approve the amendment to the City of Naperville's Community Development Block Grant Citizen Participation Plan as directed by the U.S. Department of Housing and Urban Development in response to the COVID-19 pandemic

DEPARTMENT: City Clerk's Office

SUBMITTED BY: Ruth Broder, Community Grants Coordinator

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

The U.S. Department of Housing and Urban Development (HUD) requires all jurisdictions receiving Community Development Block Grant (CDBG) funds to adopt a Citizen Participation Plan. Naperville's current plan was adopted in 2013. On March 31, 2020, in response to the COVID-19 pandemic, HUD issued a memorandum directing municipalities to amend their current Citizen Participation Plan to incorporate flexibilities, suspensions, and waivers granted in response to the Coronavirus Aid, Relief and Economic Security (CARES) Act.

DISCUSSION:

The memorandum from HUD, titled "*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*," includes the following citizen participation requirements:

Public Hearings

- Public hearings may take place virtually if public gatherings are limited for public health reasons, provided that local officials provide timely responses to citizen questions and issues and public access to questions and responses; and
- Grantees may determine what constitutes reasonable notice and opportunity to comment.

Public Comment Period

- Reduces the required notice and public comment period for Consolidated Plans (30 days), Substantial Amendments to Consolidated Plans (30 days), and Citizen Participation Plan Amendments (15 days) to a minimum of five days; and
- Permits the five-day public comment period for plans and plan amendments to run concurrently with the public comment period for Citizen Participation Plan amendments.

In response to HUD's direction, and with support from the City's HUD representative, staff has prepared an amended Citizen Participation Plan that includes the following three changes:

Change #1 on Page 3:

Policies and Procedures/Public Hearings and Meetings/Emergency Procedures:

In response to the COVID-19 pandemic, on March 31, 2020, HUD issued a memorandum listing flexibilities, suspensions and waivers available to CDBG grantees pursuant to the CARES Act and directing grantees to amend their Citizen Participation Plan to incorporate applicable waivers. These provisions include allowing grantees to conduct virtual public hearings and to adjust the requirements for reasonable notice. In accordance with the memorandum, the City of Naperville will take the following action:

- Virtual public hearings via live web-streaming or conference call may be conducted so long as public places are closed to the public, in-person participation is deemed unfeasible, or large gatherings are considered a public health risk.
- Minimum notice of a public hearing will be reduced from 14 days to five (5) days via the City's website and other formats, depending on feasibility.
- In accordance with the City's Certifications, real-time responses, accommodations for persons with disabilities and non-English-speaking persons will be made to the greatest extent possible, upon request.

On June 5, 2020, the City of Naperville notified HUD of its intent to use waivers enabling virtual public hearings and changes to reasonable notice requirements beginning June 8, 2020 and ending March 31, 2021, as needed.

Change #2 on Page 4:

Publication of Draft Documents and Public Comment Periods/Emergency Procedures:

The HUD Memorandum dated March 31, 2020, referenced in the Public Hearings and Meetings section, provided waivers allowing the City to adopt the following changes to the length of public comment periods and public notice requirements:

- Reasonable notice and opportunity to comment (the public comment period) will be reduced to five (5) days for Consolidated Plans, Substantial Amendments and amendments to the Citizen Participation Plan.
- The public comment periods for Consolidated Plans, Substantial Amendments and amendments to the Citizen Participation Plan may run concurrently rather than consecutively.
- If public libraries and City offices are closed to the public, documents for public review will be shared via the City's website. Other methods, such as posting of documents in a place visible to the public, may also be used, if feasible. Copies of documents will be mailed or emailed upon request.

On June 5, 2020, the City of Naperville notified HUD of its intent to use waivers enabling virtual public hearings and changes to reasonable notice requirements beginning June 8, 2020 and ending March

31, 2021, if necessary.

Change #3 on Page 7:

Developing Community Development Plans, including Consolidated Plans, Annual Action Plans and Assessments of Fair Housing (AFH)/Publication of Draft Substantial Amendments and Revisions-Public Comment Period/Developing Plans and Emergency Procedures to Address Urgent Needs:

In the event of declared disasters or emergencies, whether natural or man-made, it may be necessary to prepare substantial amendments to existing community development plans. Substantial amendments may be used to fund new activities and/or reprogram funds to meet needs resulting from the disaster or emergency. If possible, the City will utilize guidance or waivers provided by HUD to expedite the adoption of these revisions.

Potential uses of funds include all CDBG-eligible activities that meet one of the three National Objectives: 1) Benefit to low- and moderate-income persons, 2) Aid in the prevention of slums or blight, or 3) Meeting an urgent need.

Potential activities that may be funded if conditions pose a serious and immediate threat to the health and welfare of the community and are of recent origin or recently became urgent include clearance of debris; extra security patrols; demolition; clearance 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 provision of relief services to individuals.

If necessary to address a declared disaster or emergency and if permitted by HUD, the City may reprogram up to \$300,000 of unspent CDBG funds without requiring a substantial amendment. Unspent funds not previously allocated to a specific subrecipient may be reprogrammed or moved to a different budget category without requiring a substantial amendment.

A copy of the Citizen Participation Plan is attached and changes have been highlighted for reference.

FISCAL IMPACT:

N/A