

*CITY OF SAN JOSE, CALIFORNIA
CONSOLIDATED PLAN
CITIZEN PARTICIPATION PLAN
DRAFT*

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CITY OF SAN JOSÉ CONSOLIDATED PLAN CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of San José receives the following entitlement grants from the federal government: *Community Development Block Grant (CDBG)*, *HOME Investment Partnership Program*, *Housing Opportunities for People with AIDS (HOPWA)*, and *Emergency Shelter Grants (ESG)*.

As a requirement for receiving these entitlement grants, Title I of the National Affordable Housing Act mandates that jurisdictions prepare:

- A five-year Consolidated Plan and Annual Action Plans that identify local community development needs and set forth a strategy to address these needs.
- A Performance Report (called the Consolidated Annual Performance Evaluation Report or CAPER) that compares the jurisdiction's achievements with the goals described in the Consolidated Plan.

The Consolidated Plan and Performance Report must address both affordable housing and non-housing related community development needs.

The Citizen Participation Plan (CPP) describes the City of San Jose's efforts to encourage and engage citizens to participate in an advisory role in the planning, implementation and assessment of the Consolidated Plan and its associated Performance Report for the federally funded entitlement programs.

OBJECTIVES OF THE CPP

The CPP establishes standards to promote citizen participation in the development of the Consolidated Plan, any substantial amendments to the Consolidated Plan, and Performance Reports. The CPP is designed to especially encourage participation by low- and moderate-income persons, including those living in blighted areas.

The objectives of the CPP are:

1. To form a citizen participation structure that adheres to the provisions of The Housing and Urban Development (HUD) Code of Final Regulations for the Consolidated Plan (24 CFR Part 91, et seq., dated January 5, 1955) and subsequent revisions.
2. To provide all residents of the City, especially those specified in 24 CFR Part 91 Sec. 91.105 (a), and live in areas where federal funds are being used or proposed to be used, with the opportunity to:
 - a) Attend public hearings

- b) Define local needs
 - c) Review and evaluate the Con Plan and related reports
 - d) Recommend the use of the federal entitlement funds
3. To provide adequate citizen involvement in all phases of planning for the use of federal funds including the:
- a) Identification of housing and community development needs
 - b) Review and approval of the Consolidated Five-Year Strategic Plan and Annual Action Plans, including the proposed use of federal entitlement funds
 - c) Review and approval of substantial amendments to the Consolidated Five-Year Strategic Plan or Annual Action Plan
 - d) Review of the City's success in achieving the goals set out in the Consolidated Plan and Annual Action Plans, through the CAPER.

DEFINITIONS

AMENDMENT

In the context of this document, an amendment refers to a change made to a previously adopted Consolidated Plan (Con Plan) or Annual Action Plan. If an amendment is deemed to be a Substantial Amendment (see definition in the Citizen Participation Policies section), it must go through an additional public review and comment period before being submitted to HUD.

ANNUAL ACTION PLAN

The Annual Action Plan is an annual update to the (Five-Year) Con Plan. HUD requires each entitlement jurisdiction to prepare a one-year Action Plan that describes the activities it plans to undertake over the course of the year to achieve the goals identified in the Con Plan.

CITIZEN PARTICIPATION PLAN (CPP)

The CPP outlines how a jurisdiction will actively encourage its citizens, particularly those who are low- and moderate-income, to participate in the planning process for the Five-Year Con Plan, the Annual Action Plans, Substantial Amendments to these Plans and the CAPER.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

The CDBG program allocates annual grants on a formula basis to entitlement jurisdictions for community development activities that provide decent housing, suitable

living environment, and expand economic opportunities, principally for low- and moderate-income persons

CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

HUD requires all entitlement jurisdictions to prepare a CAPER at the end of each fiscal year. The CAPER details the Jurisdiction's accomplishments in meeting the goals outlined in its Con Plan.

CONSOLIDATED PLAN (Con Plan)

HUD requires jurisdictions receiving entitlement funds to prepare a Con Plan every five years. The Con Plan provides a comprehensive overview of a jurisdiction's housing and community development needs, its priorities and strategies, and how the jurisdiction's actions will address the identified needs over the subsequent five years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

HUD is the government agency that oversees the majority of federal home ownership, affordable housing, fair housing, homeless, community and housing development programs.

DISPLACEMENT

Displacement refers to the involuntary relocation of individuals from their residences due to housing development and rehabilitation activities paid for by federal funds

EMERGENCY SHELTER GRANT (ESG)

The ESG program provides homeless persons with basic shelter and essential supportive services. It can be used to assist with the operational costs of the shelter, supportive services and related administrative costs.

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

HOME is the largest Federal block grant designed exclusively to create affordable housing for low-income households. The HOME program provides formula grants to States and localities to fund a wide range of activities that build, buy, and/or rehabilitate affordable rental or homeownership housing or provide direct rental assistance to low-income people.

HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS (HOPWA)

Under the HOPWA program, HUD makes grants to States and local communities for housing and services that benefit low-income persons medically diagnosed with HIV/AIDS. HOPWA funds may be used for a wide range of housing and social services, including health care and mental health services, chemical dependency treatment, nutritional services, case management, and assistance with daily living.

PUBLIC HEARING

The main purpose of a public hearing is to obtain public testimony or comment. Public hearings need to be advertised in local newspapers and made accessible to persons who do not speak English or have a disability.

ROLES AND RESPONSIBILITIES FOR CITIZEN PARTICIPATION

SAN JOSE CITY COUNCIL

The San José City Council is the legislative body responsible for approving the City's Consolidated Plan, Annual Action Plan and CAPER, prior to its submission to HUD.

Residents are able to address community development needs, provide comments, and make recommendations on the Con Plan, Annual Action Plan, Substantial Amendments, CAPER, and related documents at public hearings held by the San José City Council. Meetings are generally held every Tuesday beginning at 1:30 p.m. and on the first and third Tuesdays of the month also at 7 p.m. at the San José City Hall, Council Chambers at 200 East Santa Clara Street, San Jose, CA 95113. With a few exceptions as specified by State law, all City Council meetings are open to the public.

HOUSING AND COMMUNITY DEVELOPMENT ADVISORY COMMISSION (HCDC)

In October 2006, the San José City Council passed Ordinance No. 27889, establishing the HCDC and setting forth its duties and responsibilities:

- a) To study, review, evaluate, and make recommendations to the San José City Council and the Housing Department, regarding the following matters:
 - Existing housing programs and policies in the City of San Jose;
 - New programs and policies that would further the City of San Jose's housing goals; and
 - The City of San Jose's progress in meeting its housing goals.
- b) Submit recommendations and reports to the City Council and City Manager regarding housing policy in the City of San Jose as the Council or the City Manager may request from time to time.

The role of the Commission is therefore advisory to the City Council and the Housing Department on matters relating to policy and programs. With respect to the Con Plan specifically, the HCDC's responsibilities are:

- a) To advise the City Administration and the City Council in the development of the Con Plan and its components.
- b) To conduct public meetings on the development of programs for the implementation of the Con Plan; and
- c) To assist the City Council in conducting public hearings on the Con Plan and its programs

The rules and regulations governing the HCDC can be found in Part 28, Chapter 2.08 of Title 2 of the San Jose Municipal Code and in Resolution 07-1 adopted by HCDC on March 15, 2007.

The Commission is composed of nine (9) residents of the City of San José and one (1) non-voting Senior Citizens' Commission representative. Based on the 2000 Census, City Council Districts 3, 5, and 7 had the highest percentage of low- and moderate-income residents in the City; hence, the City Council requested that these districts each have at least one (1) but not more than two (2) representatives on the Commission. In addition, at least three (3) members on the HCDC must be lower-income persons as defined in the California Health and Safety Code Section 50079.5. Nominees to the Commission are recommended to the Council by the City's Diversity Committee and approved by the City Council.

The HCDC normally meets at the San José City Hall, 200 East Santa Clara Street, San Jose, CA 95113. Meetings are at the call of the Chair on the second Thursday of each month at 5:45 p.m. All HCDC meetings will have disabled accessibility, unless otherwise specified.

THE CITY OF SAN JOSE HOUSING DEPARTMENT

The City of San Jose's Housing Department (Housing Department) is the primary entity tasked with developing the Con Plan, Annual Action Plan and CAPER for the City of San José. The Department makes recommendations on the use of federal entitlement funds and is tasked with measuring the effectiveness of the use of federal funds in meeting the objectives defined in the Consolidated Plan.

The Housing Department also provides technical assistance to the HCDC. This assistance includes staffing the Commission, providing minutes and arranging meetings, and documenting and disseminating Commission recommendations.

CITIZEN PARTICIPATION POLICIES

AVAILABILITY OF DOCUMENTS

The Con Plan, Annual Action Plan, CAPER, and all related substantial amendments will be made available online at the Housing Department website: www.sjhousing.org. Hard copies of the documents will be available by contacting the City of San José Housing Department, 200 East Santa Clara St., 12th Floor, San José, CA 95113 or by calling 408-535-3860.

PUBLIC HEARINGS

The following guidelines apply to public hearings for all of the City of San Jose's Housing Department administered, federally funded entitlement programs:

- a) The City must hold at least *two (2)* public hearings each year addressing housing and community development needs, the development of proposed activities to address these needs, and review of past program performance. The purpose of the hearings is to obtain comments from residents and other interested parties at different stages of the program year.

The City of San José will hold a minimum of *two (2)* hearings for the Con Plan and the Annual Action Plan and *two (2)* hearings for the CAPER and any related substantial amendments. The hearings will include at a minimum:

- a. At least *one (1)* hearing on the draft Con Plan, Annual Action Plan, CAPER, or any substantial amendments before the Housing and Community Development Advisory Commission (HCDC); and
 - b. At least *one (1)* hearing before the City Council prior to its adoption of the final Con Plan, Annual Action Plan, CAPER or related Substantial Amendments.
- b) All public hearings will be held at accessible locations in San José, usually at the San José City Hall. The City will provide listening devices and other assistance to disabled persons upon request, with at least 3 business days prior notification.
 - c) Hearings will be held during the evening hours when feasible.
 - d) Interpretation services for non-English speaking residents or hearing impaired individuals will be provided if notification is provided at least 3 business days prior to the meeting.

GENERAL POLICY ON NOTICES OF HEARINGS:

The City will provide residents with an opportunity to comment on the CPP, Con Plan, Annual Action Plan, CAPER, and Substantial Amendments to these documents via alternate methods including US mail, e-mail or in person at public hearings.

To ensure that all citizens including minorities, non-English-speaking residents, persons with disabilities, residents of public housing, and lower-income residents including those living in revitalization areas, are able to participate in the process:

- a) The City will provide notices of meetings and/or hearings on the Con Plan, Annual Action Plan, CAPER, and related Substantial Amendments via alternative distribution services such as the US postal service, e-mail, website, and newspaper postings. Notices will be in English, but will also include a paragraph in each of San Jose's frequently used ethnic languages (including Spanish, Vietnamese, and Chinese) that identifies how to obtain additional information in each of the respective languages.

- b) The public notices will advise interested residents of the availability of relevant draft documents for public review and will include a summary of the document, its contents, and purpose. The notice will describe how to obtain a copy of the document for review.
- c) Notices will be distributed and published in newspapers at least *fourteen (14)* days before the public hearing and will include information regarding how to request accommodations and services available for persons with disabilities who wish to attend the public hearings.
- d) Newspaper postings of the notices for the Con Plan, Annual Action Plan, CAPER and related substantial amendments will be provided in the San Jose Mercury News for two days and in local ethnic newspapers for one day, including, Spanish, Vietnamese, and Chinese language newspapers.
- e) Notices will be sent to an e-mail and US Postal Service distribution list maintained by the Housing Department. The list includes community and faith based organizations, neighborhood associations, affordable housing developments, libraries, community centers, schools, the City of San Jose's Housing and Community Development Advisory Commission (HCDC) and Disability Advisory Commission, local government entities such as the Housing Authority, other Santa Clara County jurisdictions, and members of the public who have requested that they receive information. Although the City will prioritize the use of e-mail to distribute the Public Notices to residents, it will continue to send by US Postal Service hard copies of the notice to residents as requested.
- f) Notices will be posted on the Housing Department's website at www.sjhousing.org

DRAFT CONSOLIDATED PLAN / ANNUAL ACTION PLAN GUIDELINES

The draft Consolidated Plan or Annual Action Plan will be developed based on the following guidelines:

- a) The Housing Department will solicit input from San José residents, non-profits, service providers, housing advocates, and others interested in housing and homeless issues during the Con Plan development process.
- b) The HCDC will be given the opportunity to review and provide recommendations to City staff on the CDBG application and funding criteria prior to its release to the public.
- c) A public review period of not less than *thirty (30)* days will be provided for each Con Plan and Annual Action Plan to enable the public to provide comments prior to final adoption by the City Council.

- d) The City will consider comments and views expressed by residents and other interested parties either in writing or orally at public meetings regarding the Consolidated Plan or Annual Action Plan before final adoption by the City Council. The City will provide, as an attachment to the final Con Plan or Annual Action Plan submitted to the US Department of Housing and Urban Development (HUD), all written communications received and a summary of each oral comment and the City's subsequent action or reason why no action was taken. This information will also be made available to the public as part of the final document.

SUBSTANTIAL AMENDMENTS TO THE CONSOLIDATED PLAN

The following defines Substantial Amendments to an adopted Consolidated Plan or Annual Action Plan. All Substantial amendments will require an additional public review and comment period as described below:

- a) A Substantial Amendment is defined as an amendment that is:
- Increasing or decreasing by the greater of \$100,000 or a 15% change the amount allocated to a priority funding category (PFC) as described in the relevant Consolidated Plan (examples of PFCs under the CDBG Public Service Category include access to healthcare, legal services, and self-sufficiency. PFCs may encompass more than one funded project), or
 - Making a significant change to an activity's proposed beneficiaries or persons served, or
 - Funding of a new activity not previously described in the Action Plan, or
 - Changing the funding priorities or goals as described in the relevant Consolidate Plan or Annual Action Plan.

If an amendment does not meet the above requirements but might be highly sensitive to the community, it must undergo additional public review and comment as described the City of San Jose's Community Engagement process and policy.

- b) A public review period of not less than *thirty (30)* days will be provided for public comment prior to final adoption of the substantial amendment by the City Council.
- c) The City will consider comments and views expressed by residents and other interested parties either in writing or orally at public meetings regarding the substantial amendment prior to City Council action. The City will provide, as an attachment to the final Substantial Amendment submitted to HUD, all written communications received and a summary of each oral comment and

the City's subsequent action or reason why no action was taken. This information will be made available to the public as part of the final document.

PERFORMANCE REPORTS / CAPER

The development of the CAPER will include the following public participation guidelines:

- a) The City will establish a public review period of not less than *fifteen (15)* days to allow for public comments prior to final adoption by the City Council
- b) The City will consider comments and views expressed by residents and other interested parties either in writing or orally at public meetings regarding the performance reports prior to City Council action. The City will provide as an attachment to the final performance report submitted to HUD, all written communications received and a summary of each comment and the City's subsequent action or reason why no action was taken. This information will be made available to the public as part of the final document.

AMENDMENTS TO THE CITIZEN PARTICIPATION PLAN

The CPP will be posted at the Housing Department's website at <http://www.sjhousing.org>. Copies will also be available for pickup, upon written or oral request, to the Department of Housing, 200 East Santa Clara Street, San Jose, CA 95113, 12th Floor.

Any change to the Citizen Participation Plan will be subject to the following guidelines:

- a) The City will establish a public review period of not less than *fifteen (15) days* to receive public comments prior to final adoption of the CPP by the City Council.
- b) The City will consider comments and views expressed by residents and other interested parties either in writing or orally at public meetings regarding the CPP prior to City Council action

DISPLACEMENT POLICY

As part of the CPP, the City must maintain a displacement policy. Displacement refers to the involuntary relocation of individuals from their residence due to housing development and rehabilitation paid for via federal funds. The City will continue to use existing federal and State relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the State of California have specific requirements dictating the amount of benefits and assistance that

must be provided to lower-income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced persons may be offered one or more of the following:

- a rent subsidy for another unit;
- a cash payment to be used for rent or a down payment on the purchase of a dwelling unit;
- moving and related expenses.

The City's rehabilitation programs may also deal with relocation issues when they provide minor additions to existing dwellings in to address overcrowding. Any temporary relocation costs are included in the rehabilitation loan package offered to clients.

AVAILABILITY OF AND ACCESS TO RECORDS

Information on the City's Con Plans, including the past five years worth of records or related documents on the CPP, the approved current Consolidated Plan (or its predecessor, the Comprehensive Housing Affordability Strategy), CAPER, and program regulations will be available for citizen review during normal working hours at the Department of Housing, 200 East Santa Clara Street, San Jose, CA 95113, 12th floor, upon written or oral request. If the City is unable to provide immediate access to the documents requested, the City will make every effort to provide the documents and reports within ten (10) days from the receipt of the request.

The Con Plan and the CAPER for at least the previous five years and the current CPP documents are also posted on the Housing Department's website at www.sjhousing.org

TECHNICAL ASSISTANCE

The City will, to the extent practicable, respond to requests for technical assistance by groups representing persons of low- and moderate-income developing funding proposals for any program covered by the Con Plan, in accordance with grant procedures. This may include, but is not limited to, providing information regarding how to fill out applications, other potential funding sources, and referrals to appropriate agencies within and outside the City of San José. "Technical assistance," as used here, does not include the provision of funds to groups requesting such assistance.

Assistance will also be provided by the Housing Department to interested individuals and citizens' groups who need further explanation on the background and intent of the Housing and Community Development Act, interpretation of specific HUD regulations, and project eligibility criteria for federal grants.

COMPLAINTS

Complaints from members of the public regarding the Con Plan or related amendments and performance reports may be submitted to the Housing Department at 200 East Santa

Clara Street, San Jose, CA 95113. The complaints will be referred to the appropriate City staff or, if appropriate, the Mayor and City Council, for disposition. The City will provide substantive, written responses to all complaints within fifteen (15) days of receipt. Each federal program also has a separate appeals process for grant applicants.