

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN  
JOSE APPROVING THE AMENDED CITIZEN  
PARTICIPATION PLAN**

**WHEREAS**, the U.S. Department of Housing and Urban Development (“HUD”) requires that local government recipients of entitlement grants prepare and adopt a Citizen Participation Plan (“CPP”); and

**WHEREAS**, the CPP sets forth a public outreach and noticing process for the adoption of the Five-Year Consolidated Plan (“5-Year Plan”), the Consolidated Annual Action Plan (“Annual Plan”) for implementation of the 5-Year Plan, Substantial amendments to the ConPlan, and the Consolidated Annual Performance Evaluation Report (“CAPER”) and provides a comprehensive public process that facilitates the public’s ability to provide the City of San José (“City”) with input on its federal funding priorities, programs, and recipients; and

**WHEREAS**, in September 2010, the City updated the CPP by amending the definition of “substantial amendment” as a change to a previously adopted 5-year or Annual Plan that “increases or decreases by the greater of \$100,000 or a 15% change in the amount allocated to a ‘priority funding category’.” to better distinguish more substantive changes meriting additional public outreach versus smaller or more technical changes that were more appropriately done at staff level; and

**WHEREAS**, the City proposes the following changes to the CPP: (1) replace the term “priority funding category” with “category of funding” to align with the language provided by the Federal Code of Regulations Title 24; (2) building on the new “category of funding” definition above, the definition of “substantial amendment” has been slightly

changed to specifically include a new eligible activity within an existing category of funding; (3) the definition of a “minor amendment” was added to the CPP to formalize and compliment the changes to the “substantial amendment” definition made to the CPP in 2010 by recognizing an adjusted threshold of change in funding awards below which it is relatively more expensive to pay for public noticing costs as compared to the change in funding itself; (4) the addition of Tagalog as the fourth language in which public notices for federally-funded programs shall be made available; and (5) there are other less substantive edits that have been made to the CPP to enhance its readability and sample publication notices have also been attached to the document;

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The amended Citizen Participation Plan attached hereto is hereby approved.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

CHUCK REED  
Mayor

ATTEST:

---

DENNIS D. HAWKINS, CMC  
City Clerk



~~Department of Housing~~  
**Citizen Participation Plan**

*for*  
**US**

**U.S. Department of Housing and Urban Development Programs**

*Note: As this revised version of the CPP must contain redline changes, the City's technology does not allow for tagging to help with accessibility for hearing-impaired citizens. Anyone may request a clean, tagged version by contacting the City of San José's Housing Department at 408-535-3860.*

Adopted 9.28.10

Amended 3.6.12

Proposed Amendment 9.18.12

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# CITY OF SAN JOSÉ HOUSING DEPARTMENT 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~~Solutions 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 (Five-Year Plan or Con Plan) and Consolidated Annual Action Plans (Annual Plans) that identify local community development needs and set forth a funding strategy to address ~~these~~those needs.
- A Performance Report (called the Consolidated Annual Performance Evaluation Report or CAPER) that comparesassesses the jurisdiction's annual achievements with relative to the goals described in the Consolidated Plan.

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

~~The~~This Citizen Participation Plan (CPP) describes the City of San ~~Jose's efforts to encourage~~José's process to facilitate 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~~Five-Year Plan, ~~any substantial~~the Annual Plans, amendments to the ~~Consolidated Plan~~Plans, and ~~Performance Reports~~the CAPER. 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,

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DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

~~1955~~1995) and subsequent revisions.

2. To provide all residents of the City, especially those specified in 24 CFR Part 91 Sec. 91.105 (a), and who 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 GenConsolidated 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 successprogress in achieving the goals set out in the Consolidated Plan and Annual Action Plans, through the CAPER.

## **DEFINITIONS**

### **AMENDMENT- SUBSTANTIAL**

~~In the context of this document, an amendment refers to a~~ A ~~change made to a~~ previously adopted ConsolidatedFive-Year 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. that:~~

- ~~Increase~~esing or ~~decrease~~esing by the greater of \$100,000 or a 15% change in the amount allocated to a category of funding (p. ~~Please see definition of “Categories of Funding” below~~); ~~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~~

- ~~Mak~~esing a significant change to an activity's proposed beneficiaries or persons served, or
- ~~Fund~~sing of a new activity within a funding category 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.~~

### AMENDMENT, MINOR

A change to a previously adopted Five-Year Plan or Annual Plan that does not meet the thresholds to qualify as a Substantial Amendment.

### CATEGORIES OF FUNDING

For the purposes of the Citizen Participation Plan, the following are categories of funding within each federal funding source. These categories are used when determining if an amendment to the Consolidated Plan qualifies as a "substantial amendment":

- CDBG
  - Public Service
  - Administration, Planning and Fair Housing
  - Community Development (Non-Construction): To include, but not be limited to, Code Enforcement, Housing Rehabilitation and Economic Development
  - Community Development (Construction): To include, but not be limited to, public facility improvements, street improvements, and ADA curb ramps;
- ESG
  - Emergency shelter operations and street outreach
  - Homeless prevention and rapid re-housing
  - Homeless management information.
  -
- HOME
  - Rental housing development (new construction or rehabilitation)
  - Owner-occupied housing rehabilitation
  - Homebuyer assistance
  - Tenant-based rental assistance
  - Program administration.
- HOPWA
  - Rent payments
  - Mortgage payments

- First month's rent and security deposits
- Utility payments
- Information/support to locate and apply for housing assistance
- Move-in support
- Emergency shelter vouchers at motels/hotel/other temporary sites.

**CONSOLIDATED ANNUAL ACTION PLAN (Annual Plan)**

The Consolidated Annual Action Plan ~~is assets forth the~~ annual ~~update to the (Five-Year) Con Plan.~~ HUD ~~requires each entitlement jurisdiction to prepare a one-year Action Plan that~~ funding provided to the City by HUD and describes the activities ~~that the City~~ plans to undertake using those funds over the course of ~~the a~~ fiscal year to achieve the goals identified in the ~~Con~~Five-Year Plan.

**CITIZEN PARTICIPATION PLAN (CPP)**

The CPP outlines how a jurisdiction will actively ~~encourage its citizens~~facilitate citizen participation, particularly for 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~~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)**

The U.S. Department of Housing and Urban Development (HUD) is the government agency that oversees the majority of federal home ownership, affordable housing, fair housing, homeless, and 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.

## **ELIGIBLE ACTIVITY**

Eligible activities are activities that are allowable in the four federal funds (CDBG, ESG, HOME, and HOPWA) covered by the Citizen Participation Plan and as defined in the Code of Federal Regulations Title 24 for the Department of Housing and Urban Development. All eligible activities fall within a specific Category of Funding as defined above.

## **EMERGENCY SHELTERSOLUTIONS GRANT (ESG)**

The ESG program (formerly Emergency Shelter Grant) 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.

## **FIVE-YEAR CONSOLIDATED PLAN (Five-Year Plan)**

HUD requires jurisdictions receiving entitlement funds to prepare a Consolidated Plan every five years. The 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.

## **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 Statesstates 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 who have a disability.

## **ROLES AND RESPONSIBILITIES FOR CITIZEN PARTICIPATION**

### ~~SAN JOSE SAN JOSE CITY COUNCIL~~

The San José City Council is the elect legislative body governing the City of San José. It is responsible for approving the City's Consolidated Five-Year Plan, the Annual Action Plan Plans, amendments to Plans, and the CAPER, prior to its the submission of those approved documents 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~~ Whenever practicable, City Council public hearings on all these matters except minor amendments will be scheduled for the evening session to facilitate participation by low- and moderate-income persons.

~~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. and, on an irregular schedule, one evening session each month at 7 p.m.~~ The meetings are held at the San José City Hall, Council Chambers at 200 East Santa Clara Street, San Jose San José, CA 95113. With a few exceptions as specified by State law, all City Council meetings are open to the public. All City Council meetings are held in facilities that are accessible to persons with disabilities.

### ~~HOUSING AND COMMUNITY DEVELOPMENT ADVISORY COMMISSION (HCDAC)~~ ~~(HCDCHCDAC)~~

~~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 Housing and Community Development role of the Commission (HCDAC, or Commission) is therefore advisory to, appointed by the City Council and the Housing Department on matters relating to policy and programs. With respect to the Con Plan specifically, the HGDC'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 Commission is advisory to the City Council and the Housing Department on matters relating to housing and community development policy and programs.~~

~~The Commission has, on occasion, had enough vacancies that assembling a quorum has been difficult and has necessitated the cancellation of meetings on whose agendas were noticed public hearings. Thus, those hearings – some of which required long lead-times for noticing required this Plan – had to be rescheduled. Accordingly, the Commission has established a Grants Standing Subcommittee to act on behalf of the full Commission regarding grant proposals, expenditures, or activities when a quorum of the full Commission cannot be assembled.~~

~~The ~~HCDC normally~~HCDAC usually meets at the San José City Hall, 200 East Santa Clara Street, ~~San Jos~~San José, CA 95113. ~~Meetings~~Regular meetings are ~~at the call of the Chair held~~ on the second Thursday of each month ~~(with the exception of July and December)~~ at 5:45 p.m. ~~All HCDC meetings will have disabled accessibility, unless otherwise specified. Special and subcommittee meetings may also be held as needed and at a time and date different from the regular meeting schedule in order to respond to time-sensitive matters or when the full Commission is unable to convene for its~~~~

regular meeting. All HCDAC meetings are held in facilities that are accessible to persons with disabilities.

#### THE CITY OF ~~SAN JOSE~~ SAN JOSE HOUSING DEPARTMENT

The City of San ~~Jose's~~ José's Housing Department (Department or Housing Department) is the primary administrative entity tasked with developing the ~~Gen~~Five-Year Plan, the Annual Action Plan Plans, amendments to these Plans, and the 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 ~~HCDG~~ HCDAC. This assistance includes staffing the Commission, providing minutes and arranging meetings, and documenting and disseminating Commission recommendations.

### **CITIZEN PARTICIPATION POLICIES**

#### AVAILABILITY OF ~~DRAFT AND APPROVED~~ APPROVED DOCUMENTS

The ~~Gen~~draft and final versions of the Five-Year Plan, Annual ~~Action Plan~~ Plans, CAPER, and all related ~~substantial~~ amendments will be made available online at the Housing Department website: [www.sjhousing.org](http://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., 12<sup>th</sup> Floor, San José, CA 95113 or by calling 408-535-3860.

The draft Five-Year Plan, draft Annual Plans, and draft substantial amendments will be made available for public review and comment for a minimum of 30 days prior their final adoption by the City Council. The draft CAPER and amendments to the CPP will be available for public review and comment for a minimum of 15 days prior to its final adoption by the City Council.

Residents, public agencies, and other interested parties will be provided access to adopted Plans, amendments, and CAPERs which describe the City's use of assistance under the CDBG, ESG, HOME and HOPWA programs for the prior five years.

#### PUBLIC HEARINGS

The following guidelines apply to public hearings for all of the City of ~~San Jose~~ San José'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.~~

a) The City of San José will hold a minimum of ~~two (2)~~three (3) hearings for the ~~Five-Year~~ Plan and the Annual ~~Action~~ Plan and two (2) hearings for the CAPER ~~and any related~~, substantial amendments, and amendments to the CPP. The hearings will include at a minimum:

o At least one (1) hearing before the HCDAC, prior to the publication of draft Five-Year Plan and Annual Plan documents, to obtain the views and input of citizens, public agencies and other interested parties on the housing and community development needs, including priority non-housing community development needs;

~~a.~~o At least one (1) hearing on the draft ~~Five-Year~~ Plan, Annual ~~Action~~ Plan, CAPER, or any ~~substantial~~ Plan amendments and amendments to the CPP before the ~~Housing and Community Development Advisory Commission (HCDAC)~~, for which purpose the Grants Standing Subcommittee of the Commission may hold the hearing on behalf of the full Commission if a quorum of the full Commission is not available; and,

~~b.~~ At least one (1) hearing before the City Council prior to its adoption of the final ~~Five-Year~~ Plan, Annual ~~Action~~ Plan, CAPER ~~or related~~ Substantial Amendments, any plan amendments and amendments to the CPP.

o  
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 three (3) business ~~days~~days prior notification.

c) Hearings will be held during the evening hours when feasible.

d) Interpretation services for ~~non-persons with limited~~ English ~~speaking~~ residents proficiency or for hearing impaired individuals will be provided if notification is provided at least three (3) business days prior to the meeting for the need of such services.

~~GENERAL POLICY ON NOTICES OF HEARINGS: AND REVIEW PERIODS – FIVE-YEAR PLAN, ANNUAL PLAN, CAPER, SUBSTANTIAL AMENDMENTS & AMENDMENTS TO THE CITIZEN PARTICIPATION PLAN~~

The City will provide residents, public agencies and other interested parties with an notice of their opportunity to comment on the CPP, ~~Con~~Five-Year Plan, Annual ~~Action~~ Plan, CAPER, and Substantial Amendments to these documents ~~via alternate methods including U~~sing U.S. mail, e-mail, or in person at public hearings.

To ensure that all citizens, including minorities, ~~non~~persons with limited English-speaking residents proficiency, 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~~Five-Year Plan, Annual ~~Action~~ Plan, CAPER, and ~~related~~ Substantial Amendments substantial amendments via alternative distribution services such as the U.S. 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~~José's frequently used ethnic languages (including Spanish, Vietnamese, ~~and~~ Chinese, and Tagalog) 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~~ notices will describe how to obtain a copy of the document for review. The notices will also include information on how to access staff reports at the HCDAC and City Council agenda websites.
- c) Notices will be distributed and published in newspapers at least *fourteen (14)* days before ~~the City Council~~ public hearinghearings 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~~Five-Year Plan, Annual Action Plan, CAPER ~~and related~~, substantial amendments and amendments to the CPP will be provided in the ~~San Jose~~San José *Mercury News* and in local ethnic newspapers for one day, including, Spanish, Vietnamese, ~~and~~ Chinese, and Tagalog language newspapers. Publication in more than one newspaper meets HUD's requirement for at least two notices on different days.
- e) Notices will be sent to an e-mail or U.S. Postal Service distribution list maintained by the Housing Department. Although the City will prioritize the use of e-mail to distribute the Public Notices to residents, it will continue to send by

U.S. Postal Service hard copies of the notice to residents, as requested who do not have access to e-mail.

f) Notices will be posted on the Housing Department's website at [www.sjhousing.org](http://www.sjhousing.org).

~~g) DRAFT CONSOLIDATED PLAN / ANNUAL ACTION PLAN GUIDELINES Notices of the availability of draft documents and the 30-day review periods for the Five-Year Plan, Annual Plan, and substantial amendments and the 15-day review period for the CAPER and CPP amendments will be distributed, published and posted on the Housing Department's website as above.~~

~~The draft Consolidated Plan or Annual Action It has been the practice of the City to combine notices complying with several individual requirements into one document for dissemination and publication. See Appendix A for an example.~~

~~The City is receptive to suggestions for ways to improve its processes for notifying the public of hearings and the availability of draft documents.~~

#### NOTICES OF HEARINGS – MINOR AMENDMENTS

~~By definition, minor amendments to the Five-Year Plan or Annual Plan are those falling below a threshold that requires certain public notifications, public hearings, and public body approvals as specified in this CPP. However, the City's municipal code and transparency guidelines may dictate that certain minor amendments need to adhere to noticing and/or public approvals outside the scope of this CPP. In those cases, posting of recommended minor amendments to the Five-Year Plan or Annual Plan on the agenda websites for the HCDAC and City Council – 7 days prior to the HCDAC meeting and 10 days prior to the City Council meeting – constitutes adequate notice to the public for the purposes of this CPP.~~

#### OTHER GUIDELINES FOR FIVE-YEAR PLAN, ANNUAL PLAN, AND SUBSTANTIAL AMENDMENTS

~~The draft Five-Year Plan and Annual 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, public agencies, and others interested in housing ~~and~~ homeless and community development issues during the ~~Five-Year Plan and Annual~~ 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.~~

b) A public review period of not less than *thirty (30)* days will be provided for each ConFive-Year Plan and Annual Action Plan, and substantial amendment 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 will be deemed a substantial amendment.~~

~~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 Five-Year Plan, Annual Plan, or substantial amendment ~~prior to before final adoption by the~~ City Council ~~action~~. The City will provide, as an attachment to the final Substantial Amendment Five-Year Plan, Annual Plan, or substantial amendment submitted to the U.S. 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, and the reasons for non-action if none~~ was taken. This information ~~will~~ will also be made available to the public as part of the final document.

#### OTHER GUIDELINES FOR CAPER 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 oral comment ~~and~~ the City's subsequent action ~~or~~ and the reason ~~why no for non-action if none~~ 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 pick-up, upon written or oral request, ~~at~~ the Department of Housing, 200 East Santa Clara Street, ~~San Jose~~ San José, CA 95113, on the 12<sup>th</sup> 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 with 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~~Consolidated Plans, including ~~the past five years worth of records or related documents~~ enover the previous five related to the CPP, the ~~approved~~ current Consolidated Plan, the Annual Action Plans, 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~~José, CA 95113, on the 12<sup>th</sup> 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~~ These documents are also posted on the Housing Department's website at [www.sjhousing.org](http://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~~Consolidated Plan, in accordance with

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DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

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~~Consolidated Plan or related amendments and performance reports may be submitted to the City of San José Housing Department at 200 East Santa Clara Street, San ~~Jose~~José, 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.

**APPENDIX A – SAMPLE PUBLIC HEARING NOTICE**



**NOTICE OF HEARINGS ON THE 2012-2013  
CONSOLIDATED ANNUAL ACTION PLAN AND A  
SUBSTANTIAL AMENDMENT TO THE 2011-2012  
CONSOLIDATED ANNUAL ACTION PLAN FOR THE  
SECOND ALLOCATION AND REALLOCATION OF EMERGENCY SOLUTIONS  
GRANT FUNDS**

**THIS NOTICE IS TO ANNOUNCE THAT HEARINGS ON THE CITY OF SAN JOSE'S 2012-2013 CONSOLIDATED ANNUAL ACTION PLAN AND A SUBSTANTIAL AMENDMENT TO THE CITY'S 2011-2012 CONSOLIDATED ANNUAL ACTION PLAN FOR THE SECOND ALLOCATION AND REALLOCATION OF EMERGENCY SOLUTIONS GRANT (ESG) FUNDS WILL BE HELD BEFORE THE HOUSING AND COMMUNITY DEVELOPMENT ADVISORY COMMISSION AND THE SAN JOSE CITY COUNCIL. Come give your views on affordable housing and community development needs in San José. Comments will be used to develop the City's Consolidated Annual Action Plan and the use of new and reallocated ESG funds.**

The Consolidated Annual Action Plan outlines the City's housing and community development needs and provides a one-year action plan on how the City plans to address those needs. This document is developed in consultation with the public and is the City's planning document for its federal entitlement funds (the Community Development Block Grant program, the Emergency Solutions Grant program, the HOME Investment Partnership program, and the Housing Opportunities for Persons with AIDS program), which are anticipated to total about \$12 million for Fiscal Year 2012-2013.

The Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan addressing ESG funds outlines the proposed uses of the City's second allocation of ESG funds and changes in the use of its first allocation of ESG funds.

The following table highlights the schedule for the completion of the 2012-2013 Consolidated Annual Action Plan and the Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan:

<b><u>What?</u></b>	<b><u>Who?</u></b>	<b><u>Where?</u></b>	<b><u>When?</u></b>
<u>Release of staff funding recommendations for federal grant programs in 2012-2013</u>	<u>City of San José Housing Department</u>	<u>City of San José - Housing 200 E. Santa Clara St.-12<sup>th</sup> Floor, San José, CA 95113</u>	<u>March 27, 2012</u>
<u>The draft 2012-2013 Consolidated Annual Action Plan and the draft Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan available to the public for review and comment for 30 days</u>	<u>Visit the Housing Department's website at <a href="http://www.sjhousing.org/report/conplan.html">http://www.sjhousing.org/report/conplan.html</a> to find electronic copies or call (408) 793-5542 or (408) 294-9337 (TTY) for paper copies</u>	<u>City of San José - Housing 200 E. Santa Clara St.-12<sup>th</sup> Floor, San José, CA 95113</u>	<u>March 29, 2012</u>
<u>First Council Hearing on the 2012-2013 Consolidated Annual Action Plan</u>	<u>San José City Council</u>	<u>San José City Hall 200 E. Santa Clara Street <b>City Council Chambers</b></u>	<u>April 3, 2012, 1:30 p.m.</u>
<u>Review and Approval of the 2012-2013 Consolidated Annual Action Plan 2012-13 and the Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan</u>	<u>Housing and Community Development Advisory Commission</u>	<u>San José City Hall 200 E. Santa Clara Street <b>Room W-118,119 (Wing)</b></u>	<u>April 12, 2012, 5:45 p.m.</u>
<u>End of 30-Day Public Comment Period</u>			<u>April 30, 2012</u>

<a href="#">Final approval of the 2012-13 Consolidated Annual Action Plan and the Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan</a>	<a href="#">San José City Council</a>	<a href="#">San José City Hall 200 E. Santa Clara Street City Council Chambers</a>	<a href="#">May 1, 2012 1:30 p.m.</a>
<a href="#">Submit the approved Annual Action Plan and the Substantial Amendment to the US Department of Housing and Urban Development.</a>	<a href="#">City of San José Housing Department</a>		<a href="#">May 11, 2012</a>

**COMMUNITY INPUT IS GREATLY APPRECIATED. Specifically, we are looking for your input on the housing and community needs of low and moderate-income residents, seniors, people who are disabled, and others with special needs. Note above how electronic or paper copies of the two documents may be obtained. Please direct questions on either the Annual Action Plan or the Substantial Amendment to Daniel Murillo of the City of San José Department of Housing at 408-793-4195, by e-mail to [daniel.murillo@sanjoseca.gov](mailto:daniel.murillo@sanjoseca.gov), or for those with speech/hearing impairments please call (408) 294-9337 (TTY).**

**Public comments can be submitted in the form of statements made at the above listed meetings, in writing to City of San José, Housing, 200 E. Santa Clara Street, 12<sup>th</sup> Floor, San José, California 95113, or submitted via e-mail to the address listed above. All public meetings are held in locations accessible to those with mobility impairments.**

**PARA RESIDENTES QUE HABLAN ESPAÑOL: Este anuncio es tocante a una enmienda significativa que se va llevar a cabo en El Plan Consolidado para el Año Fiscal 2011-12 en el programa de Subsidio de Soluciones de Emergencia (ESG) y describe como El Departamento de Viviendas de la Ciudad de San Jose San José propone usar estos fondos y cambios que se haran en la primer distribución de estos fondos. El Plan Consolidado identifica las necesidades de viviendas y del desarrollo comunitario para la ciudad, también fija prioridades y adopta estrategias para dirigir fondos federales. Para mas información, favor de llamar a Alejandra Herrera (408) 975-4424.**

**對只懂華語的聖荷西市居民: 此公告是關於2012-2013**

**財政年度聯邦政府房屋及都市發展部的綜合計劃年度行動計劃。綜合計劃 –**

**年度行動計劃列出本社區發展的需求，並為本市如何滿足這些需求規劃為期一年的計劃。此公告也是關於2011-2012財政年度的綜合計劃之緊急補助方案的大幅修改。修改的內容包括對方案的第一分配用途的更改及第二分配的建議用途。若有任何查詢,請聯絡 劉小姐 535-8242。**

**Dành cho những người cư-trú nói tiếng Việt :**

**Đây là thông cáo về các cuộc điều-trần liên-quan tới Chương-trình Cùng cố và Phát đông Công tác Niên-khóa 2012-13. Chương trình kể trên nêu rõ các nhu cầu thuộc phạm-vi Phát-triển Gia cư và Công đông của Thành-phố, đồng thời cung ứng chương-trình Phát đông Công tác trong vòng một năm, nhằm giúp Thành phố trừ liêu xử dụng các nhu cầu đó như thế nào. Thông cáo này cũng còn được coi như phân bố túc đầy đủ cho chương trình tổng hợp thuộc tài-khóa 2011-12 dành cho Quỹ tài trợ giải quyết tình trạng khẩn cấp tài khóa 2011-12, đồng thời vạch rõ cách xử dụng tài khoản trợ cấp của Thành phố đã được dự trù cho quỹ tài-trợ ESG cũng như bất cứ sự thay đổi nào trong việc xử dụng tài-khoản trợ cấp lần đầu tiên cho Quỹ ESG. Quý vị nào muốn biết thêm chi tiết xin vui lòng liên lạc với Therese Trần, diên-thoai số (408) 793-5549.**

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**APPENDIX B – SAMPLE AFFIDAVIT OF  
PUBLICATION**

# San Jose Mercury News

750 RIDDER PARK DRIVE  
SAN JOSE, CALIFORNIA 95190  
408-920-5332

## PROOF OF PUBLICATION

IN THE  
CITY OF SAN JOSE  
STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

SAN JOSE, CITY OF  
OFFICE THE CITY GROUP/REBECCA, 200 E SANTA  
CLARA STREET, 2ND FLOOR  
SAN JOSE CA 95113

FILE NO. Not of Hearing

In the matter of

The San Jose Mercury News

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to or interested in the above entitled proceedings; and was at and during all said times and still is the principal clerk of the printer and publisher of the San Jose Mercury News, a newspaper of general circulation printed and published daily in the city of San Jose in said County of Santa Clara, State of California as determined by the court's decree dated June 27, 1952, case numbers 84096 and 84097, and that said San Jose Mercury News is and was at all times herein mentioned a newspaper of general circulation as that term is defined by Sections 6000 and following, of the Government Code of the State of California and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to the interests or published for the entertainment or instruction of a particular class, professional, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professionals, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said city of San Jose in said County and State at regular intervals for more than one year preceding the first publication of the notice herein mentioned. Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a true printed copy, has been published in each regular or entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

3/23/2012

10" x 6 5/8"

Dated at San Jose, California  
03/23/12

I declare under penalty of perjury that the foregoing is true and correct.

Signed: *David Henderson*  
Principal clerk of the printer and publisher of the San Jose Mercury News.



### NOTICE OF HEARINGS ON THE 2012-2013 CONSOLIDATED ANNUAL ACTION PLAN AND A SUBSTANTIAL AMENDMENT TO THE 2011-2012 CONSOLIDATED ANNUAL ACTION PLAN FOR THE SECOND ALLOCATION AND REALLOCATION OF EMERGENCY SOLUTIONS GRANT FUNDS

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What?	Who?	Where?	When?
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The draft 2012-2013 Consolidated Annual Action Plan and the draft Substantial Amendment to the 2011-2012 Consolidated Annual Action Plan available to the public for review and comment for 30 days	Visit the Housing Department's website at <a href="http://www.sanjoseca.gov/citycouncilchambers.html">http://www.sanjoseca.gov/citycouncilchambers.html</a> to find electronic copies or call (408) 793-5542 or (408) 294-9337 (TTY) for paper copies	City of San Jose - Housing 200 E. Santa Clara St., 12 <sup>th</sup> Floor, San Jose, CA 95113	March 29, 2012
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End of 30-Day Public Comment Period			April 30, 2012
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**對於講華語的聖荷西市民:** 此公告是關於2012-2013 財政年度聯邦政府房屋及都市發展部的綜合計劃年度行動計劃。綜合計劃 - 年度行動計劃列出本社區發展的需求, 並為本市如何滿足這些需求規劃為第一年的計劃。此公告也是關於2011-2012 財政年度的綜合計劃之緊急援助方案的大概修改。修改的內容包括對方案的第一分配用途的更改及第二分配的建議用途。若有任何查詢, 請聯絡 劉小姐 835-9242。

**Dành cho những người cư trú nói tiếng Việt:**  
Đây là thông cáo về các cuộc điều tra liên quan tới Chương trình Công cố và Phát động Công tác Niên khóa 2012-13. Chương trình kể trên nêu rõ các nhu cầu thuộc phạm vi Phát triển Gia cư và Công đồng của Thành phố, đồng thời cũng ủng hộ chương trình Phát động Công tác trong vòng một năm, nhằm giúp Thành phố trở lại với các nhu cầu đó như thế nào. Thông cáo này cũng còn được coi như phần bổ túc đầy đủ cho chương trình tổng hợp thực tài khóa 2011-12 dành cho Quý tài trợ giải quyết tình trạng khẩn cấp tài khóa 2011-12, đồng thời vạch rõ cách xử dụng tài khoản trợ cấp lần đầu tiên cho Quý ESS. Quý vị nào muốn biết thêm chi tiết xin vui lòng liên lạc với Theresa Trần, điện thoại số (408) 793 5549.

SJMN #4374986

March 23, 2012

