

# State of Delaware Citizen Participation Plan for Housing and Community Development Funding

This plan may be obtained in alternative languages, upon request. Este plan se puede obtener en diferentes language, a pedido.

## Background

The Delaware Citizen Participation Plan (CPP) contains policies and procedures for public involvement in the Department of Housing and Urban Development's (HUD) Consolidated Plan process in accordance with 24 CFR 91. The following entitlement grant programs of the U.S. Department of Housing and Urban Development (HUD) are consolidated into a single planning and application process:

- Community Development Block Grant (CDBG) covering Kent and Sussex County, except for the City of Dover;
- HOME Investment Partnerships Program (HOME) covering the State of Delaware;
- Emergency Solutions Grant (ESG) covering Kent and Sussex County;
- National Housing Trust Fund (NHTF) covering the State of Delaware; and
- Housing Opportunities for Persons with Aids (HOPWA) covering Kent and Sussex County.

This document contains the following information:

- Citizen participation;
- Public information and assistance;
- Public notices, hearings and comment periods;
- Access to information and records;
- Annual Performance Report and Citizen Participation Evaluation;
- Complaint procedures; and
- Amendment procedures.

## The Consolidated Plan

The Consolidated Plan is a planning document that addresses identified needs in the areas of housing, homelessness, and community and economic development. The plan is developed by the Delaware State Housing Authority and specifies programs and resources to be used to provide access to affordable quality housing, a suitable living environment, and expanded economic opportunities.

DSHA ensures that the Consolidated Planning process conforms to federal and state regulations regarding citizen participation. DSHA encourages public participation in the development and revision of all the included documents (24 CFR § 91.115(a)(2)(i)). The CPP applies to the following documents that are part of the Consolidated Plan process:

- Consolidated Plan, required every five years;
- **Analysis of Impediments (AI);**

- Substantial Amendment to Consolidated Plan, as needed;
- Annual Action Plan, required every year; and
- Consolidated Annual Performance Evaluation Report, required every year.

The Consolidated Plan includes:

- Descriptions of the current conditions for housing, living environments, and economic opportunity in the state for low- and moderate-income people;
- Development needs and how grant funds received will address those needs;
- The amount of assistance the state expects to receive from each program;
- Planning and application information;
- The range of activities that may be done;
- Prioritization of the activities to be undertaken;
- Benefits to those who are low to moderate income;
- Plans and assistance to those who might be displaced as a result of any activity funded by these programs; and
- Family income limits determining eligibility, established by HUD on an annual basis and posted at <https://www.huduser.gov/portal/datasets/il.html>.

## Consultation

When preparing the Consolidated Plan or its subsidiary documents, DSHA will actively consult with public and private agencies that provide housing, health, and social services in order to ensure that the interests and needs of all groups are being adequately addressed. This consultation may occur through regional and interest forums, interviews conducted with such organizations (especially those that provide services to special needs populations and those at risk of homelessness), on-line events, and incorporation of data and reports produced by such organizations into the Consolidated Plan. DSHA will actively consult with:

- State, county, and local governmental departments and leadership;
- Public Housing Authorities operating in the State;
- Local, regional and state-based non-profit, philanthropic, and faith-based organizations serving vulnerable populations, including those at risk of homelessness, members of protected class populations, and those working to affirmatively further fair housing;
  - Fair Housing Assistance Program (FHAP);
  - Fair Housing organizations;
  - Non-profit organizations that receive funding under the Fair Housing Initiative Program (FHIP); and
  - Other public and private fair housing service agencies operating in Delaware.
- Industry, business, and civic organizations and leaders; and
- Delaware Continuum of Care.

## **Citizen Participation**

The State of Delaware's Citizen Participation Plan (CPP) outlines the requirements and incentives for public involvement in the process of identifying needs, priorities, and the allocation of HUD funds in Delaware. The objectives of the CPP are to ensure the timely and accessible involvement of the citizens of Delaware, units of local government, public agencies, and other interested parties in the drafting, implementation, and assessment of the Analysis of Impediments (AI); the Five-Year Consolidated Plan (Consolidated Plan) and the Annual Action Plan, any substantial amendments to the Plan, and the Consolidated Annual Performance Evaluation Report (CAPER). All citizens are encouraged to participate, particularly:

- Persons with disabilities;
- Persons living in public housing or utilizing housing vouchers;
- Communities of color;
- Persons with limited English proficiency and non-English speaking residents;
- Persons of low- to moderate-income;
- Public and private agencies that provide assisted housing, health services, and social services; and
- Households living in slums, areas of blight, and in areas where CDBG funds are proposed to be used.

DSHA shall employ communications means designed to reach the broadest audience possible. Meaningful citizen participation is critical to agencies creating and implementing federally funded programs. These resources represent federal revenue generated by the taxpayers of Delaware. It is through this process that citizens, particularly persons of low- and moderate-income, those living in areas with blight or other disadvantaged conditions, units of local government, and other interested parties express themselves and the needs of their communities to DSHA, which administers the funds.

## **Encouraging Public Participation**

### **Notice of the Process and Public Comment Period**

Notification of the Citizen Participation processes for the Consolidated Plan and related processes and plans is distributed through a broad variety of print, electronic, and personal media. Notification is sent out prior to the public comment period onset, and at least two weeks prior to scheduled hearing dates. Notification shall consist of, but not be limited to:

- Posting dates, times, and locations on the DSHA website at: [www.destatehousing.com](http://www.destatehousing.com);
- Publishing legal ads in newspapers with state-wide circulation;
- Sending emails via DSHA's mass email list (Highlights);
- Postings on social media accounts, such as Facebook or Twitter;
- Sending notifications to local governments, public agencies, participating non-profits, member organizations, and others throughout Delaware;

- Asking groups serving low-moderate income people, non-English speaking people, or people with disabilities to post or distribute information to their clientele;
- Sending personal invitation emails to public officials and other interested parties in and around the state.

**Table 1: Citizen Participation Requirements**

Activity/Product	Frequency	Due Date	Citizen Participation Period	Public Hearings (minimum)
Consolidated Plan	Every 5 years	May 15	30 days	2: one prior to publishing draft plan and one during public comment period
Assessment of Fair Housing (AFH)	Every 5 years	October 4 (prior to Consolidated Plan due date)	30 days	1
Annual Action Plan	Every year	May 15	30 days	1
Amendments to Consolidated or Annual Action Plan	As needed	--	30 days	1
Consolidated Annual Performance Evaluation Report (CAPER)	Every year	September 30	15 days	--
Amendment to AFH	As needed	--	30 day	--

### Access to information and records

The state shall provide adequate information to citizens, public agencies, and interested parties, as well as reasonable access to records on the proposed and actual use of public funds, including, but not limited to:

- The amount of funds expected to be made available for the coming year, including grants and anticipated program income;
- The range of activities that may be undertaken with those funds;
- Information related to the Analysis of Impediments (AI), including HUD-provided data and other supplemental information, summary information, and purpose and content of the AI;
- The estimated amount of those funds proposed to be used for activities that will benefit low- and moderate-income persons;
- The proposed activities likely to result in displacement and the applicants' plans, consistent with the policies developed under 24 CFR 570.606(b) for minimizing displacement of persons as a result of its proposed activities;
- The types and levels of assistance the applicant plans to make available to persons displaced by funded activities, even if the applicant expects no displacement to occur; and

- The method(s) by which interested parties can learn more about the plan and its impacts, and make comments or complaints prior to its adoption.

DSHA will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the Consolidated Plan and associated documents, and the use of assistance under the covered programs during the preceding five years. All access to records produced by these activities is subject to the federal Freedom of Information Act (FOIA) and DSHA's FOIA policy, adopted February 1, 2011. To access program information contact: Deborah Whidden, Public Information Officer, Phone: 888.363.8808 or 302.739.4263, DeborahW@destatehousing.com.

### **Public Meetings/Hearings with Reasonable Accommodation**

Citizen participation in the five-year planning process is encouraged through regional public hearings held in fully-accessible locations at accessible hours of the day convenient to the actual and potential beneficiaries of the program.

DSHA will make reasonable and consistent efforts to publicize local events, and will provide reasonable accommodation in response to requests received prior to each event. For example, in locations where people with hearing impairments or a significant number of non-English speaking residents are planning to attend, appropriate interpreters will be made available subject to at least five working days' advance request.

In the event of a local, state or federally declared disaster or emergency where public places may be closed to the public or in-person participation may not be feasible or large gatherings may be considered a public health risk, DSHA may opt to conduct public hearings and meetings virtually via conference call or live web-streaming with the ability to ask questions and provide comment in real time. Accommodations will be made for persons with disabilities and non-English speaking persons upon request.

During the public meeting or hearing, the relevant plan or document will be presented by DSHA staff and the public will be encouraged to comment. Supplementary information may also be presented.

Comments collected from public meetings and hearings will be included in an appendix of the plan or document and DSHA will openly consider all comments. DSHA will provide a response to all comments submitted.

### **Other Communication Techniques**

DSHA may employ other participatory techniques to disseminate the plan/document and solicit public comments at the discretion of the planning staff. These techniques may include:

- Surveys - online, paper or intercept surveys may be used;
- Public forums – focus groups, charrettes, small group meetings, etc.;
- Webinars;
- Virtual meeting or hearings

- **Television or telecom**
- Chatrooms and conference calls; and
- Interactive mapping.

All comments received from such participatory techniques shall be treated in the same manner as comments received during public meetings/hearings.

## Comments

Prior to the adoption of the Consolidated Plan or any of the related documents, DSHA will make available the draft plan and Executive Summary for public review and comment. Availability of the draft documents and the public comment period will be announced via the methods stated in the Notice of the Process section. The Notice will also state the address, e-mail, and phone number to which comments can be submitted.

During the public comment period, the public is encouraged to examine the available document and submit their comments regarding their concerns, disagreements, preferences, or suggestions. DSHA will openly consider any comments from individuals or groups received during the public comment period. A summary of the written and oral comments will be included in the final document, along with the state's response to the comments.

**In the event of an local, state, national emergency, the following alternatives may be instituted:**

**1. The public comment and display period for the Consolidated Plan or Annual Action Plan may be shortened to no less than five days.**

**2. Draft documents for public comment and review will be made available on the DSHA website at <https://www.Destatehousing.com>. Copies of the draft documents will be mailed or e-mailed upon request, if possible**

**3. Public meetings may be held as virtual meetings using local cable access television or other online platforms for public viewing with the option for real-time questions to be presented.**

## Language Access Plan

In accordance with DSHA's Language Access Plan (LAP), updated October 2016, interpretive services will be made available upon request, with consideration for advance notice of five (5) working days, as needed. These services include:

- Written translation of pertinent documents or segments/summaries of documents, including media releases;
- Access to bi-lingual staff or contracted interpretation services in person, on the phone, and at public meetings; and
- Access via DSHA's primary website, DeStateHousing.com, to relevant brochures, media releases, and document summaries.

## Complaints

As a part of the state CPP, DSHA shall inform citizens of the complaint procedure and what constitutes a legitimate complaint. A written complaint or grievance is a formal notification of a concern, allegation, or protest to a proper authority. A formal complaint will be considered filed at the time it is delivered to the appropriate authority's office. Citizens should provide enough information to permit an investigation. The complaint should include the following information:

- Identification of project and project location;
- The reason for the complaint (hearsay and innuendo will not be considered valid);
- Sufficient data to substantiate any claims or charges. If possible, supporting documentation should be included; and
- If desired, citizens may propose a solution or resolution to the problem.

### 1. Local Activities

A member of the public with a complaint or grievance regarding a local project that utilized HUD funds shall first file a complaint with an appropriate elected official or local government office. Subgrantees (local governments and non-profits) shall be required to address the complaint and provide DSHA with a copy of the complaint and their response. Subgrantees should attempt to respond within fifteen days where applicable.

If the complainant feels the response from the local jurisdiction is unsatisfactory, he or she may appeal to DSHA to review the complaint for resolution. Additional information may be requested at that time. Every effort will be made to provide a full response within thirty days.

If valid and sufficient data has been provided to substantiate the complaint, an investigation will be conducted. The extent of an investigation depends on the scope and depth of the issues involved. Some investigations may include examining a set of circumstances; others may involve examining local policies and procedures.

### 2. State Programs

If the complaint is more appropriately directed toward a state program issue, the same procedure will be followed except all communications will be between the state and the complainant.

DSHA will work to continuously find ways to encourage participation beyond that of just comments and complaints. Public recommendations and suggestions of possible alternate public involvement techniques that encourage a shared vision of change for the community and the review of program performance are welcome and will be seriously considered. A strategy currently in place is the use of DSHA's website as an additional forum for notification and information gathering for interested parties.

## Citizen Participation Requirements for Local Governments Receiving Funds from the State

Units of general local government must provide for and encourage citizen participation as prescribed in 24 CFR 570.486. All applicants for HUD funds are required to adhere to the requirements in this CPP. In addition, local governments and agencies/organizations that apply for and utilize specific funding programs must adhere to the stipulations in Table 2 below.

**Table 2: Requirements for Local Governments**

Program	Public Hearing	Public Notification Minimum	Other
CDBG	1	7 days	Community Development Survey
HOME			CHDOs must have and implement Tenant Participation Plan

### **Amendment Procedures**

The Consolidated Plan, and Annual Action Plan are to be amended any time there is a significant change. The following are considered significant amendments (24 CFR § 91.115(c)(1)):

- The elimination of a goal or activity originally described in the plan;
- The addition of a goal or activity not originally described in the plan;
- Change in criteria used to rate and rank applications;
- Significant changes in funds allocated to program components;
- Receipt of any additional federal funds; and/or
- Change in purpose, scope, location, or beneficiaries of activities described in the plan.

The public notification process is the same as the Consolidated Plan, and DSHA will employ communications means designed to reach the broadest audience with the following exceptions:

- An agency may decide a public meeting or hearing is not necessary or practical. A public hearing will be scheduled upon request of 20 or more individuals;
- If a public meeting or hearing is held, notification is made in the same way as a Consolidated Plan hearing;
- If a public meeting or hearing is not conducted, notification to the public of the draft amendment and opportunity for public comment will be made through:
  - Paid advertisements in the newspaper with the largest statewide circulation
  - Press releases sent to state-wide Delaware media outlets
  - Mail (hard copy or electronic) to all persons who previously indicated interest in the planning process or who are affiliated with a business or organization typically involved with programs covered by the Consolidated Plan;
- The affected program, in cases of amendments of a program-specific nature, will be the responsible entity for the public involvement process. However, in every case, amendment information will be posted on the DSHA website;



- A 30-day comment period after the draft plan is complete will be observed. An additional 15-day comment period will be held if significant changes are made as a result of the public process; and/or
- A summary of the comments or views received, and a summary of any comments or views not accepted and the reasons why, will be attached to the substantial amendment of the Consolidated Plan in accordance with 24 CFR § 91.115 (c)(3).

A minor location change is not a substantial amendment, so long as the purpose, scope and intended beneficiaries remain essentially the same. Capital funds applied to a different portion of a project (i.e. rehabilitation in place of acquisition) do not constitute a substantial amendment.

### **Adoption of the Citizen Participation Plan**

The draft CPP will be made available upon request, for public inspection at DSHA branch offices, county offices in all three counties, and on DSHA's website. Public comment period notification will be provided through legal notices, news releases, and direct mailing to interested parties and consumer advocates. Comments will be accepted in both written and oral format and may be submitted by mail, fax, or email. Comments received will be considered prior to its adoption. The CPP will be considered adopted if, after publication, comments received were considered and incorporated as necessary. Upon adoption, another notice will be placed in news media with state-wide circulation and the CPP Plan will be made available at Delaware State Housing Authority offices, Policy & Planning Section, 18 The Green, Dover, DE 19901, 302-739-4263 or via the website at [www.destatehousing.com](http://www.destatehousing.com).

This CPP is hereby made a part of the State of Delaware Five-Year Consolidated Plan and is subject to all citizen comments. This CPP may be amended to reflect comments received during the Five-Year Plan hearing process.

### **Adopted April, 2020**

*Included with DSHA FY 2020 Annual Action Plan as a Substantial Amendment to the DSHA 2020 – 2024 Consolidated Plan, submitted April 13, 2020.*