



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: H-1

Date: June 13, 2007

Subject: Request that the City Council conduct a public hearing to obtain citizen comment and consider adopting an Ordinance to amend the Community Development Block Grant (CDBG) Program “Citizen Participation Plan”

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Item Reference: City of Tyler Citizen Participation Plan, Consolidated and Annual Plans, and CDBG Program Regulations

In accordance with the policies and regulations for the Community Development Block Grant (CDBG) program and the Consolidated Plan, it is necessary to amend the City’s “Citizen Participation Plan” to offer adequate policies and procedures relating to obtaining citizen comment regarding the proposed and actual federally funded activities that the City undertakes with CDBG and HOME Program funds. The proposed plan is also revising the City’s definition of “Substantial Change” to allow for more effective budget management and program administration, information about Fair Housing and Marketing outreach efforts, and policies for relocation.

RECOMMENDATION:

It is recommended that the City Council conduct a public hearing to obtain citizen comment and adopt an Ordinance approving the amendments to the City of Tyler Citizen Participation Plan.

Drafted/Recommended By:
Department Leader/Manager

A handwritten signature in black ink that reads "Brenda Johnson".

Edited/Submitted By:
City Manager

ORDINANCE No. 0-2007-63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING THE CITY OF TYLER CITIZEN PARTICIPATION PLAN AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, for many years, the U. S. Department of Housing and Urban Development has allocated funds through grant applications to the City of Tyler for neighborhood improvement programs, along with administrative costs associated with such programs; and

WHEREAS, it is intended that the City encourage and obtain comments from interested citizens regarding the proposed and actual use of the funds, Consolidated Plan, and Annual Action Plans; and

WHEREAS, The City of Tyler is revising its Citizen Participation Plan,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1. That the proposed amendments as shown on the attached Exhibit A are hereby approved and adopted; and

PART 2. That this ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED this 13th day of June, A. D., 2007.

JOSEPH O. SEEBER, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

CITY OF TYLER

CITIZEN PARTICIPATION PLAN

In accordance with the Housing and Community Development Act of 1974, as amended, and with 24 CFR, Part 570, and in furtherance of the City of Tyler's (hereinafter called City) commitment to facilitating the exchange of information between the City and its citizens, the City has established procedures to provide citizens with a reasonable opportunity to participate in the development of the Citizen Participation Plan, the Consolidated Plan, and the Comprehensive Annual Performance and Evaluation Report (CAPER).



The Tyler Neighborhood Services Department will serve as the administering office for the City, with the administrative office being centrally located at 304 North Border, Tyler, Texas 75702.

The intent of the City is to especially encourage the participation of low- and moderate-income persons, particularly those living in slum and blighted areas or in areas where federal funds are proposed for use, and by residents of predominantly low- and moderate-income neighborhoods as determined by the most recent census data. Appropriate actions will also be taken to encourage participation by all citizens, including minorities, persons with Limited English Proficiency, and persons with disabilities. The City will also consult with adjacent units of local government, non-profit health and human services providers, neighborhood associations, housing providers, and public and private organizations and agencies that provide services to citizens affected by the funding referenced in these plans. The goal is to encourage citizens, governmental units, and community organizations to become partners in the development and implementation of strategies to effectively utilize federal funding.

Procedures for Displacement Intervention have also been developed for residents displaced due to demolition or conversion activities. The City is committed to the principle that persons of similar economic levels should have available to them like range of housing choices and has therefore, developed an Affirmative Marketing Policy that is applicable to all sponsored programs, projects, and activities. This policy sets forth actions that will be taken to achieve affirmative marketing of units produced or rehabilitated through funding contained in the City of Tyler's Consolidated Plan.

I. CITIZEN PARTICIPATION POLICIES

The City is committed to the goal of providing opportunities for citizens to review and comment on the Citizen Participation Plan, a public document, and any amendments to the Citizen Participation Plan. The following steps will be followed to meet this goal:

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1. A public hearing to review the proposed Citizen Participation Plan will be held and copies of the proposed Plan will be made available at the public hearing, the City's Neighborhood Services Office, and the Tyler Public Library.
2. Notice of public hearings will be provided in newspapers of general circulation at least 14 days prior to the date of the hearing. Notices will also be placed on the City's web-site at www.tylertexas.com, on local information-sharing community networks and calendars, in neighborhood centers, local cable television information channels if available, announcements made to organizations that provide services to low income, disabled, or other special need residents, and by placing a copy in the City's Neighborhood Services' Office. Local agencies that provide services to low-moderate income citizens will also be encouraged to provide citizen comment and review of the proposed Citizen Participation Plan.
3. Public hearings will be held at times and locations convenient to potential and actual beneficiaries, and with accommodations for persons with disabilities. Public hearings will be held at both night and daytime hours to accommodate working citizens.
4. Residents residing in assisted housing developments and low-income residents of targeted revitalization areas will be encouraged to provide citizen comment and review of the proposed Citizen Participation Plan through notices placed in neighborhood and community centers
5. The final Citizen Participation Plan will be available for citizen review by placing a copy in the Neighborhood Services Office and the Tyler Public Library. Upon request, the Plan will be prepared in a format accessible to persons with disabilities and in a manner in compliance with the Texas Open Records Act.
6. Any proposed amendment to the Citizen Participation Plan will be published in newspapers of general circulation and will include a 14-day comment period for citizen input prior to approval by the City's governing body. The amended Plan will be available for citizen review by placing a copy in the Neighborhood Services Office and the Tyler Public Library.
7. All public hearings will be held in facilities that are wheelchair accessible and provide handicapped parking. Interpretive services for deaf or citizens with Limited English Proficiency will be available with an advance notice of 48 hours. Arrangements for such services can be made by calling the City of Tyler Neighborhood Services Department at 903-531-1303, or TDD at 1-800-735-2989. Other residents that experience difficulties in participating may also contact the City of Tyler Neighborhood Services Department at 903-531-1303. In the event of a public hearing where a significant number of non-English speaking residents are reasonably expected to attend, the City will provide interpretive services.

II. CONSOLIDATED PLAN and ANNUAL PLANS

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The City is committed to providing citizens with the opportunity to participate in the development of the Consolidated Plan, annual updates, substantial amendments to the Consolidated Plan, and the CAPER. To accomplish this goal, the following procedures will be utilized:

A. Public Comments and Input

1. The City will hold a minimum of two public hearings in a centrally located area each year to be conducted at two different stages of the program year in order to solicit citizen input and comments on housing and non-housing community development needs and to respond to citizen proposals and questions. Efforts will be made to also conduct a public hearing in the City’s annually designated “target area” or neighborhoods and areas that potentially may benefit from the funds.

The first hearing will provide information regarding housing and community needs, the amount of assistance the City expects to receive (including anticipated program income) for the next fiscal year, the range of activities that may be undertaken, the estimated amount of the anticipated funds that will be utilized to benefit low-moderate income persons, the City’s policy on minimizing displacement of any person, and the types and levels of assistance available to persons displaced by the use of CDBG funds.

The second hearing will be utilized to discuss any comments received regarding the proposed Consolidated Plan/Annual Plan, any changes to the proposed Plan, and to provide a review of program performance.

2. Notice of public hearings will be provided in newspapers of general circulation at least 14 days prior to the date of the hearing. Notices will also be placed on the City’s web-site at www.tylertexas.com, on local information-sharing community networks and calendars, in neighborhood centers, local cable television information channels if available, and by placing a copy in the City’s Neighborhood Services’ Office and the Tyler Public Library. Local agencies that provide services to low-moderate income citizens will also be encouraged to provide citizen comment and review of the proposed Citizen Participation Plan.
3. Residents of assisted housing developments and low-income residents of targeted revitalization areas will be encouraged to participate in the development and review of the Consolidated Plan/Annual Plan by holding the public hearings in targeted areas that allow easy access by low-income citizens and through the use of special outreach programs to be determined by the City.
4. A summary of the Consolidated Plan/Annual Plan will be published in a newspaper of general circulation and a press release will be submitted to the newspaper. The summary will provide a brief description of the purpose and contents of the proposed Consolidated Plan and will provide the locations where copies of the proposed plan may be reviewed by citizens prior to the approval of the governing body of the City.

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5. A 30-day comment period will be allowed for citizens to comment on the proposed Consolidated Plan. All citizen input and comments received in writing or orally at the public hearings will be considered in preparing the final Consolidated Plan/Annual Plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reason therefore, shall be attached to the final Consolidated Plan/Annual Plan.
- B. Comprehensive Annual Performance and Evaluation Report (CAPER)
1. A 15-day comment period will be allowed for citizens to comment on the Comprehensive Annual Performance and Evaluation Report prior to its submission to HUD. At a minimum, a copy of the draft CAPER will be made available for citizen review by placing a copy in the Neighborhood Services Office and Tyler Public Library.
 2. A summary of all comments or views of citizens received in writing or orally at any public hearings will be attached to the final CAPER.
- C. Amendments to the Consolidated Plan/Annual Plan
1. Amendments are required when there will be a substantial change in the purpose, scope, location, or beneficiaries of a project, per federal requirements. Amendments require notice to the public and an opportunity for citizen comment.
 2. Amendments will be completed when the City makes the following decisions:
 - a. To make a change in allocation priorities or a change in the method of distribution of funds occurs; or
 - b. To carry out an activity not previously described in the action plan using funds from any program covered by the Consolidated Plan, including program income; or
 - c. To change the purpose, scope, location, or beneficiaries of an activity.
 3. Substantial change is further defined locally by the City to include circumstances when an individual budget transfer of more than 10% of the City's total annual federal allocation reported in the Consolidated Plan, plus program income received in the prior fiscal year, is directed to a different project than originally allocated in the Consolidated Plan or Annual Plan.
 4. Amendments to the Consolidated Plan will be published in a newspaper of general circulation. The amended Plan will be available at the Neighborhood Services Office and Tyler Public Library.
 5. Citizens will be given a 30-day period to comment on any substantial amendment to the Consolidated Plan/Annual Plan prior to the implementation of the amendment. All comments of citizens will be considered and a summary of comments or views not accepted and the reasons therefore, will be attached to the amended Consolidated Plan.

6. A copy of each amendment will be provided to the U.S. Department of Housing and Urban Development under a cover letter signed by the City Manager, either as it occurs or at the end of the program year.
- D. Technical Assistance, Accessibility to Hearings and Records, Written Responses, and Complaint Procedures
1. Technical assistance will be provided to groups representative of persons of low-moderate income that request such assistance in developing proposals for funding assistance that are consistent with the goals and priorities in the Consolidated Plan. The level and type of assistance will be determined by the City on a case-by-case basis and may consider issues such as availability and capacity of staff, complexity of project, and the identification of the issue as a priority need in the Consolidated Plan.
 2. All public hearings will be held in facilities that are wheelchair accessible and provide handicapped parking. Interpretive services for deaf or citizens with Limited English Proficiency will be available with an advance notice of 48 hours. Arrangements for such services can be made by calling the City of Tyler Neighborhood Services Department at 903-531-1303, or TDD at 1-800-735-2989.
 3. The City will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the Consolidated Plan and the use of assistance under the programs covered by the Plan during the preceding five (5) years. Upon request, the Plan will be prepared in a format accessible to persons with disabilities and in a manner in compliance with the Texas Open Records Act. The City will also make a reasonable number of free copies of the final Consolidated Plan and Annual Plans available to citizens and groups that request it.
 4. The City will provide timely, substantive written response to the respective citizen regarding every written citizen comment (comments must contain name and mailing address) related to the Consolidated Plan, amendments, and the Annual Performance Report within fifteen (15) working days where practical.
 5. Complaints and grievances related to the Consolidated Plan, amendments, and CAPER should be submitted in writing to the Director of Neighborhood Services, 304 North Border, Tyler, Texas 75702. Written complaints that provide a name and address will receive a written response within fifteen (15) days of the date of receipt of the complaint.

III. DISPLACEMENT INTERVENTION

A. Anti-Displacement Policy

1. The City will actively seek to minimize displacement and does not anticipate any displacement of citizens resulting from programs covered by the Consolidated Plan and will take an active role in preventing such displacement by:

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- a. Thoroughly analyzing projects on a case-by-case basis to determine if any displacement might occur in connection with an individual project.
 - b. Seeking alternatives that could achieve the public purpose without displacement.
 - c. Advising non-resident owners of their responsibilities and potential costs involved with projects resulting in displacement.
2. All persons expected to be affected by relocation provisions will be contacted via certified and regular mail, return receipt requested. This notice will be provided immediately upon the receipt of project application and will provide all information regarding relocation rights and the City’s obligations as required by federal regulations.
 3. The City will also provide counseling and information regarding comparable replacement dwellings, individual rights under the Fair Housing Law, and how to search suitable replacement housing.

B. Relocation Benefits

1. In the event that permanent displacement does occur from programs, projects, or activities covered by the Consolidated Plan, relocation benefits will be provided to displaced individuals as required by the Uniform Relocation and Real Property Acquisition Act of 1970 and 24 CFR 570.104(d), as amended and where applicable. The City and all Subrecipients or contractors involved in these programs and activities will be committed and obligated to provide appropriate levels of relocation assistance when needed.
2. Tenants who are permanently displaced, with income not exceeding the very-low income limit (50% of median income, adjusted for family size), will be offered assistance through the Section 8 Housing Choice Voucher Program, (dependent upon the availability of voucher assistance).
3. Cash Assistance, which may be utilized for rent or purchase of a replacement dwelling, for permanently displaced tenants will be offered to:
 - a. Tenants with income below 50% of median, certified to receive a Housing Voucher through the Section 8 Housing Choice Voucher Program, but unable to locate a dwelling unit in which the owner will agree to participate in the Section 8 Program.
 - b. Tenants ineligible for Section 8 assistance because their income exceeds the eligibility limits.

C. Temporary Relocation for Tenants

1. If temporary relocation is required to carry out rehabilitation or other federally funded activities of rental units, the tenant will be provided appropriate advisory services, including reasonable advance written notice of:

- a. Date and approximate duration of the temporary relocation;
 - b. Address of the suitable decent, safe, and sanitary dwelling to be made available for the temporary period. The temporary housing that is provided will be decent, safe, and sanitary, as determined by the City.
 - c. Terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the building/complex upon completion of the project; and
 - d. Provisions of reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation as noted below in Item III.C.2.
2. A tenant who is temporary displaced from their rental unit is entitled to select from two options in reference to moving expenses:
- a. Reimbursement for all reasonable out-of-pocket expenses, including any increase in monthly housing costs (rent, and estimated utility costs), insurance coverage on goods during the move, disconnecting and reconnecting household appliances, transportation costs within fifty (50) miles of the original dwelling, and storage of household goods incurred in the move. Consideration for reimbursement will be made based on clear and verified receipts, indicating amounts and date paid. The City will provide the final determination as to the reasonableness of verified moving expenses.
 - b. Fixed moving expense payment, which is an allowance based on the number of rooms of furniture the tenant will move, and in conformance with the most recently published schedule for "Fixed Moving Expenses and Dislocation Allowance" from the U. S. Department of Transportation. The City will require verification or a certified statement regarding the number of rooms and furniture involved.
3. The City will not be liable or responsible for any additional expenses or costs incurred by the homeowner in association with this project in excess of the amounts allowed under this Section C.

D. Optional Relocation Policy for Temporarily Displaced Homeowners

1. In accordance with 24 CFR 570.606(d) and 24 CFR 92.353 (d), if temporary relocation is required to carry out the voluntary rehabilitation, reconstruction, new construction, or other federally funded activities of owner-occupied units, the homeowner will be provided appropriate advisory services, including reasonable advance written notice of:
 - a. Date and approximate duration of the temporary relocation;

- b. Protection offered by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).
2. A homeowner who is temporarily displaced from their home will be offered the following:
 - a. Fixed moving expense payment, which is an allowance based on the number of rooms of furniture the tenant will move, and in conformance with the most recently published schedule, as amended, entitled "Fixed Residential Moving Cost Schedule" from the U. S. Department of Transportation. The number of rooms in the unit will be determined by City staff, and will not include bathrooms, closets, hallways, or other empty rooms. Staff will obtain photographs of all rooms for file documentation. If the project site includes outbuildings that will be demolished as a part of the project and are currently being used for storage of the household's items, then each storage building will be counted as one additional room.
 - b. In the event that the duration of the project has exceeded the proposed completion date for the project by 30 days, then the City will make available an additional \$250 for each 30 day period. This amount will be pro-rated based on the actual number of days until final completion. This payment will be made at the completion of the project.
 - c. Reconnection fees for gas, water, and electrical services will be paid by the City directly to the provider of that service upon completion of the project. Unpaid balances on past bills owed by the homeowner will not be paid by the City, but will remain the responsibility of the homeowner.
 - d. The City will not be liable or responsible for any additional expenses or costs incurred by the homeowner in association with this project in excess of the amounts allowed under this Section D.

E. Replacement Housing for Demolished or Converted Units

1. The City will replace all occupied and vacant occupiable low-moderate income dwelling units demolished or converted to a use other than low-moderate income housing in connection with a program or an activity covered by the Consolidated Plan. The condition and determination of "occupiable unit" will be determined through inspection of the unit, and a written statement by a building official or inspector. The condition of the structure will be documented on an inspection log and with photographs. All replacement housing will be provided within the timeframes as specified by federal regulation.
2. At least 14 days prior to entering into a contract committing funds to an activity that will directly result in demolition or conversion, the City will provide public notice in the newspaper of general circulation located in the County in which the activity is occurring, with the following information:

- a. A description of the proposed activity;
- b. The location on a map and the number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than low-moderate income housing,
- c. A time schedule for the commencement and completion of the activity;
- d. The location on a map and the number of dwellings units by size (number of bedrooms) that will be provided as replacement dwellings, if that information is available. If such data is not available, the City will identify the general location on an area map, by number and size, and provide specific information as soon as it is available.
- e. The source of the funding and a time schedule for the provision of the replacement units;
- f. The basis for concluding that each replacement dwelling unit will remain a low-moderate income dwelling unit for at least 10 years from the date of initial occupancy;
- g. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (i.e., a 2-bedroom unit replaced with 2 1-bedroom units) is consistent with the identified housing needs of lower-income households in the City.

IV. AFFIRMATIVE MARKETING POLICY

The City adheres to the principle that persons of similar economic levels should have available to them like range of housing choices, regardless of their race, color, religion, sex, age, handicap, national origin, or familial status. This policy sets forth actions that will be taken to achieve affirmative marketing of units produced or rehabilitated through funding contained in the Consolidated Plan.

A. Actions by Participating Owners/Landlords/Builders/Developers

1. List rehabilitated or constructed units, or advertise them through, as large a number of referral sources as practical to attract a wide cross-section of lower-income tenant/homebuyer prospects. This includes, but is not limited to:
 - a. Section 8 Housing Choice Voucher Programs located within the region;
 - b. Low income housing developments located in the City and in the neighborhood in which the activity occurs;
 - c. Affordable Housing Programs administered or provided by neighboring governmental entities, community organizations, and for-profit organizations;
 - d. Private tenant placement offices and real estate firms;
 - e. Local newspapers of general circulation.
2. Develop community contacts through which persons who are not likely to apply for the housing without special outreach, might be attracted.

3. Inform the City of vacancies or completion of construction as they occur, steps being taken consistent with those listed in #1 and #2 above, and characteristics of occupants once units are occupied.
4. Use Equal Housing Opportunity logo on printed materials and display Fair Housing posters in all public places and offices.
5. Maintain records documenting efforts to achieve affirmative marketing.

B. Actions by the City

1. Inform the public, potential tenants, homeowners, and homebuyers about Fair Housing Laws and elements of this policy through the following methods:
 - a. Information presented through the media.
 - b. Dissemination of printed material to tenants and owners.
 - c. Individual counseling provided to prospective tenants, homeowners, and homebuyers.
2. Promote the achievement of affirmative marketing goals through interaction with other housing service providers and advocates in the region.
3. Maintain records documenting efforts by the City and others to achieve affirmative marketing.

C. Assessment and Corrective Actions

1. The City will assess the effectiveness and compliance efforts of participating owners, landlords, builders, and developers on a regular basis, and on a special basis as needed.
2. This assessment will include, at a minimum, the comparison of characteristics of occupants in assisted activities with characteristics of the City as a whole.
3. Participants suspected to be in non-compliance or in violation of this policy shall be reviewed by the City for determination of violation, and issuance of penalties and/or forfeiture and/or repayment of funding.