

STATE OF WEST VIRGINIA CITIZEN PARTICIPATION PLAN

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WEST VIRGINIA CITIZEN PARTICIPATION PLAN

Background

Chapter 24, Part 91, *et al.* of the Code of Federal Regulations requires the State of West Virginia, with input from citizens, local elected officials and other affected parties, to prepare a five-year U.S. Department of Housing and Urban Development (HUD) Consolidated Development Plan (Con Plan) outlining the State's goals and priorities for housing, community and economic development, and setting forth an Annual Action Plan (AAP) for the coordinated use of HUD and related federal, State, local and private sector resources to achieve these goals. The purpose of the programs and activities covered by the Con Plan is to improve the State of West Virginia by providing safe, decent, sanitary, and affordable housing, a suitable living environment and increasing economic opportunities for low- and moderate- income residents.

Purpose

The purpose of the Citizen Participation Plan (CPP) is to provide opportunities for citizens of this State to provide input in the development of the Con Plan, the AAP, any substantial amendments to the Con Plan and AAP, the Consolidated Annual Performance and Evaluation Report (CAPER), and to set forth local requirements for citizen participation in the Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA), HOME Investment Partnership, and Housing Trust Fund (HTF) Programs. The CCP is designed to encourage participation by low-and moderate-income and minority persons that have an interest in activities funded under the Con Plan. The State is also committed to taking whatever actions are appropriate to encourage participation by non-English speaking persons, as well as persons with disabilities.

Below are details on the citizen participation efforts and requirements for the Con Plan, any substantial amendments to the Con Plan and the AAP, the Consolidated Annual Performance and Evaluation Report (CAPER), and local requirements for citizen participation in CDBG-funded projects.

Consolidated Development Plan and Annual Action Plan

The State of West Virginia's Con Plan is developed through a collaboration of the West Virginia Department of Economic Development (WVDED) and the West Virginia Housing Development (WVHDF). The Con Plan identifies and prioritizes housing and community development needs in the state and how the state intends to address these needs through the following grant programs: CDBG; HOME Investment Partnerships (HOME); Emergency Solutions Grant (ESG); the Housing Opportunities for Persons with AIDS (HOPWA) and the Housing Trust Fund (HTF).

The State of West Virginia's AAP is an annual document reporting on how that year's funding allocation for CDBG, HOME, ESG, HOPWA, and HTF will be used to achieve the goals and priorities set out in the larger Con Plan.

The following will describe the citizen participation efforts conducted by the State of West Virginia for the Con Plan, AAP, Substantial Amendments, and the CAPER.

Citizen Participation in the Consolidated Plan (Con Plan):

Public Hearing: The State will conduct at least four public hearings around the State in the needs- assessment phase of the consolidated development planning process to solicit local input from citizens and local elected officials on priority housing and community development needs and barriers. These hearings will be held in strategic locations around the State to ensure convenient access by the citizenry, including low- and moderate-income and minority persons. The hearing sites will be handicapped accessible, and special provisions will be made to accommodate the needs of disabled persons upon request. In the event of a State or National Emergency, where citizens are discouraged from travel and the draft plan might not be available for review at the specified locations, WVDED will make the draft Con Plan available on the WVCAD Website. As much as possible, arrangements will be made to review the draft plan in our offices by contacting WVDED. Public hearings will be held via webinar.

A public notice stating the date, time and location of the public hearing will be published in newspapers of general local circulation at least 14 days in advance of the meetings. To broaden participation by low- and moderate-income and minority populations, a copy of the public notice will be direct-mailed or emailed to State and local organizations representative of these groups (WV Chapter-NAACP, WV Human Rights Commission, public housing authorities, Regional Planning and Development Councils (RPDC) and community action agencies). West Virginia Department of Health and Human Resources will be requested to email a copy of the public notice to its local field offices with instructions to post them at its service entrances. This will further maximize participation by poverty level income populations. In the event of State or National Emergency, where citizens are discouraged from travel, WVDED will not request WVDHHR to post the public notice at local field offices.

Survey: A community needs assessment online survey of housing and community development needs and priorities will be provided through the West Virginia Community Advancement and Development website. The availability of the online survey will be communicated through email or mail through partnering organizations.

Consultation: Prior to and during the development of the Consolidated Development Plan, the State will actively seek information about housing and community development needs in the state. This consultation may take the form of one or more of the following:

Soliciting information from agencies and organizations that assist low-income persons and areas, including state and federal agencies, local governments, regional councils of government, Continuum(s)of Care, businesses, community and faith-based groups, broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies.

Interviewing agency directors and/or staff and organizing focus groups with key stakeholders and partners. Collecting information at statewide or regional housing, community development, and economic development conferences and convenings when available.

A written record will be kept of all comments received at the public hearings, and any written comments received during the public review period on the proposed Con Plan. These comments will be considered in finalizing the Plan, and a summary of the comments will be attached to the final Con Plan submitted to HUD.

Final Action on the Consolidated Plan: Upon completion of the draft Con Plan, a copy will be available for a 30-day review and comment period at least 90 days prior to the start of the program year (July 1) on the WVCAD Website. An executive summary of the draft plan will be sent to the State's 11 Regional Planning and Development Councils (RPDC) to circulate to the mayors and county commissions in each region. A complete copy of the draft Con Plan will also be placed in each of the RPDC offices, and a public notice of its availability for review and comment will be published in newspapers of general local circulations. The public notice will state the deadline for receipt of written comments on the Con Plan, and the date, time and location of at least three public hearings. The notice will be published at least 14 days in advance of the hearings. The meeting sites will be handicapped accessible, and special provisions will be made to accommodate the needs of disabled persons upon request. In the event of a State or National Emergency, where citizens are discouraged from travel and the draft plan might not be available for review at the specified locations, WVDED will make the draft Con Plan available on the WVCAD Website. As much as possible, arrangements will be made to review the draft plan in our offices by contacting WVDED. Public hearings will be held via webinar.

Citizen Participation in the Annual Action Plan (AAP):

Final Action on the Annual Action Plan: Upon completion of the draft AAP, a copy will be available for a 30-day review and comment period at least 90 days prior to the start of the program year (July 1) on the WVCAD Website. An executive summary of the draft plan will be sent to the State's 11 RPDCs to circulate to the mayors and county commissions in each region. A complete copy of the draft AAP will also be placed in each of the RPDC offices, and a public notice of its availability for review and comment will be published in newspapers of general local circulations. The public notice will state the deadline for receipt of written comments on the AAP, and the date, time and location of at least three public hearings. The notice will be published at least 14 days in advance of the hearings. The hearing sites will be handicapped accessible, and special provisions will be made to accommodate the needs of disabled persons upon request.

In the event of a State or National Emergency, where citizens are discouraged from travel and the draft plan might not be available for review at the specified locations, WVDED will make the draft Con Plan available on the WVCAD Website. As much as possible, arrangements will be made to review the draft plan in our offices by contacting WVDED. Public hearings will be held via webinar.

Pursuant to the Office of Community Planning Development Memorandum Availability of Waiver of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 signed 3-31-2020, the following waivers are applicable:

1. Citizen Participation Public Comment Period for Consolidated Plan Amendments. The 30-day requirement for Public Comment is waived as approved by CPD on 4-20-20. All CDBG-CV funding, ESG-CV, HOPWA-CV funding, and HOME program COVID-19 waivers will be subject to a 5-day comment period.

2. Citizen Participation Reasonable Notice and Opportunity to Comment. The 14-day notice for public comments and hearings is waived as approved by CPD on 4-20-20. All CDBG-CV, ESG-CV, HOPWA-CV funding, and HOME program COVID-19 waivers will be subject to a 7-day notice to the public related to the funding and any amendments. Public hearings will be held virtually.

Citizen Participation in the Rapid Housing Program (RHP) Action Plan

Final Action on the Annual Action Plan: Upon completion of the draft RHP AAP, a copy will be available for a 15-day review and comment period on the WVCAD Website. A public notice of its availability for review and comment will be published in newspapers of local circulations. The public notice will state the deadline for receipt of written comments on the AAP.

Substantial Amendments to the RHP AP: for changes in the method of distributing funds; to carry out an activity not previously described in the plan; or, to change the purpose, scope, location, or beneficiaries of an activity, an increase to funding amounts, and including new preferences not previously described in the plan. WVCAD will make the proposed substantial amendment public and provide for a 15-day public comment period prior to submission.

In the event of a State or National Emergency, where citizens are discouraged from travel and the draft plan might not be available for review at the specified locations, WVDED will make the draft Con Plan available on the WVCAD Website. As much as possible, arrangements will be made to review the draft plan in our offices by contacting WVDED. Public hearings will be held via webinar.

Citizen Participation in the Home Investment Partnership Grant – American Recovery Plan (HOME-ARP)

24 CFR 91.105, 24 CFR 91.115, 24 CFR 91.401 are waived, and the following alternative requirements shall apply to HOME-ARP allocation plan submissions by participating jurisdictions. (1) Participating jurisdictions must provide for and encourage citizen participation in the development of the HOME-ARP allocation plan. Before submitting the HOME-ARP allocation plan to HUD, participating jurisdictions must provide residents with reasonable notice and an opportunity to comment on the proposed HOME-ARP allocation plan of no less than 15 calendar days. The participating jurisdiction must follow its adopted requirements for “reasonable notice and an opportunity to comment” for plan amendments in its current citizen participation plan except for where it conflicts with the requirements of this Appendix. In addition, participating jurisdictions must hold at least one public hearing during the development of the HOME-ARP allocation plan prior to submitting the plan to HUD.

Substantial Amendments to the HOME-ARP Allocation Plan. Participating jurisdictions must make a substantial amendment to the HOME-ARP allocation plan for changes in the method of distributing funds; to carry out an activity not previously described in the plan; or, to change the purpose, scope, location, or beneficiaries of an activity, including new preferences not previously described in the plan. Participating jurisdictions must make the proposed substantial amendment public and provide for a 15-day public comment period prior to submission.

In the event of a State or National Emergency, where citizens are discouraged from travel and the draft plan might not be available for review at the specified locations, WVDED will make the draft Con Plan

available on the WVCAD website. As much as possible, arrangements will be made to review the draft plan in our offices by contacting WVDED. Public hearings will be held via webinar.

Substantial Amendments

The WVDED reserves the right to make non-substantive changes (administrative amendments) to the Con Plan and the AAP without opening a public comment period. A substantive change (substantial amendment) will require public comment as outlined below.

Definition of substantial amendment: A substantial amendment is defined as follows:

- a proposed change in the allocation of funds between funding categories, priorities, goals, and objectives that totals 20 percent or more of the State’s annual allocation of CDBG, HOME, ESG, HOPWA, CV, RHP and HTF funds
- a proposed change to the purpose, scope, location, or beneficiaries of an activity that totals a 20 percent or more increase in the activity’s total project cost
- a proposed change in the method of distribution of funds
- a proposed change to establish a new funding or allocation priority or goal
- a proposed change to the Citizen Participation Plan.

Any changes in the distribution of funds caused by changes in the Federal funding allocation after the Con Plan/AAP draft comment periods has expired will not be considered a substantial amendment.

Citizen Participation in substantial amendments: Substantial amendments to the approved Con Plan/APP will be made public by public notices in newspapers and notices on the West Virginia Community Advancement and Development (WVCAD) Website. Public Hearings will not be held for amendments.

Final Action on Substantial Amendments: The WVDED and WVHDF will receive and consider comments on substantial amendments to the Con Plan/AAP for 30 days before implementing those amendments **except for CV funds which allow for a 7-day comment period and RHP funds will allow for a 15-day comment period.**

Consolidated Annual Program Performance and Evaluation Report (CAPER)

Each year the WVDED must submit a CAPER reporting on actions completed during the previous program year for CDBG, HOME, ESG, HOPWA and HTF as they relate to the performance measures outlined in the current Con Plan and AAP.

The following will describe the citizen participation efforts conducted by the State of West Virginia for the CAPER.

Citizen Participation: The WVDED will submit the CAPER to HUD within 90 days of the end of the State program year (September 30). Copies of the CAPER will be placed in each of the 11 RPDC offices, and a notice of availability for public review will be published in newspapers of general local circulation and posted on WVCAD Website. At least 15 days will be allowed for review and comment by the public. In the event of a State or National Emergency, where citizens are discouraged from travel, WVDED will make the draft CAPER available on the WVCAD Websites and will not be available in the 11 RPDC or WVDED offices. As much as possible, arrangements will be made to review the draft plan in our offices

by contacting WVDED.

Final Action on the CAPER: The WVDED will consider all comments received in the preparation of the CAPER. A summary of comments received will be attached to the final CAPER submitted to HUD

Citizen Participation Requirements for Local Governments

Upon application for funding, local governments are required to submit a certification of a local CPP. Local CPP ensure that the units of local government are meeting the requirements of Title 24 of the Code of Federal Regulations Part 570.486.

The local participation plans should include the following provisions at a minimum:

- Local governments shall conduct a minimum of two (2) public hearings to be conducted with regard to any CDBG application. One hearing shall be conducted at the prior to the preparation of the application to obtain the views and proposals of citizens regarding community and housing needs including the needs of low and moderate-income persons and a second public hearing shall be prior to submission of application to the State to obtain citizen input, comments, or opinions with regard to such application) and with regard to program or project performance.
- Notices of public hearings to be conducted by the local government shall be published and posted within 14 days prior to the date of the hearings.
- The following information must be made available: Amount of CDBG funds expected to be made available, range of activities that can be funded by CDBG, estimated amount of CDBG funds used for activities to meet the national objective, citizen participation process must identify each proposed project; project location, including target area boundaries, if any; proposed project activity; total project cost, grant amount requested, and if the project is likely to result in relocation and anti-displacement required by 570.488.
- Public hearings must be held at times and places convenient for affected citizens, potential or actual beneficiaries, and including persons with disabilities. Public hearings must contain bilingual communications for non-English speaking residents when they will be affected by a proposal and reasonable advanced notification is given to the local government.

Availability to the Public

Copies of the State's Con Plan and any amendments thereto, AAP and any amendments thereto, and the CAPER will be placed in the RPDC offices, the offices of the West Virginia Department of Economic Development and the West Virginia Housing Development Fund and posted on the WVCAD Website. Copies of this information will be made available in a form accessible to persons with disabilities and Limited English Proficiency, upon request as needed.

Access to Records

The WVDED and WVHDF will provide citizens, public agencies, and other interested parties reasonable and timely access to information and records relating to the State's Con Plan and the State's use of assistance under the programs covered by the Con Plan during the preceding five years during normal business hours.

Complaints

The State will provide a timely, substantive written response in the mail or email to every written resident complaint within 15 working days from receipt related to the Con Plan, Con Plan amendments, and the CAPER.