

# CITIZEN PARTICIPATION PLAN

Community Development Block Grant  
HOME Investment Partnership  
Emergency Solutions Grant  
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## **A. Introduction**

As an entitlement community receiving funds from the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) programs, the City of Binghamton is required to adopt a citizen participation plan that establishes the City's policies and procedures for citizen participation. The guidelines for establishing a citizen participation plan as part of submitting the Consolidated Plan/Annual Action Plan, substantial amendments, and Consolidated Annual Performance and Evaluation Report (CAPER) are outlined in Title 24 of the *Code of Federal Regulations* Part 91.105. The adoption of the citizen participation plan, development of the Five Year Consolidated Plan, Annual Action Plan, and CAPER, and submission of substantial amendments are subject to full disclosure, review and public comment prior to approval by the Mayor and Binghamton City Council.

Per HUD requirements, at least 70% of CDBG expenditures must assist low income residents (oftentimes abbreviated LMI). This can be met in several ways:

- 1) A project can assist individuals and households that are presumed to be lower income, such as the homeless, seniors, and disabled adults.
- 2) A project can assist individuals and households that can be shown to be in an "LMI category" through proof of income.
- 3) A project can affect low income residential areas. An LMI neighborhood is defined as an area that is primarily residential (i.e. at least 51% or more of the affected area is residential in nature) and for which at least 51% or more of the residents of that area fall within HUD defined "LMI categories".

LMI categories are identified by HUD as households that, based on the number of members of the household, total income for that household is eighty percent or less (<80%) of the area median income. For programs affecting specific households and individuals, this is based on actual household income and size. For areas, this is based on the average household income and size in that defined area. The City, as a whole, is currently considered an LMI residential area, however, not all City-wide projects and activities can qualify under CDBG.

## **B. Designation of Lead Agency**

The Department of HUD Administration and Housing serves as the Lead Agency for the administration of the City's HUD entitlement funds. The Department is responsible for informing citizens about the planning process, facilitating meetings, preparing the Annual Action Plan and the Five Year Consolidated Plan, preparing substantial amendments, developing the CAPER, and providing opportunities for public comment.

## **C. Encouragement of Citizen Participation**

The City of Binghamton strongly encourages the participation of low/moderate income persons in helping to prioritize resources to address housing and community development needs. The City of Binghamton will strive to solicit participation from citizens of diverse ethnic and racial backgrounds and physical abilities. Upon request, the City of Binghamton will make reasonable accommodations to provide information to non-English speaking persons to facilitate participation. The City reserves the right to consider timing and costs in determining the level of information provided.

The City also encourages the participation of community stakeholders, especially those that aim to assist low/moderate income persons with improving self-sufficiency. The City of Binghamton will strive to solicit participation from stakeholders of diverse associations including government entities, academic institutions, financial institutions, human service agencies, faith based organizations, grassroots organizations, and low-income housing providers, such as the City's designated Community Housing Development Organizations (CHDOs). The local Continuum of Care, NY-511, also known as the

Homeless Coalition of the Southern Tier, will also be included in this group of participating stakeholders, especially, but not only, due to the Emergency Solutions Grant entitlement that the City receives annually to combat homelessness.

In addition, the local public housing authority, the Binghamton Housing Authority will serve as a stakeholder and partner for developing HUD grant plans. The City will outreach to the BHA for guidance and suggestions on plan development as well as assistance with environmental reviews, case reviews, and BHA resident outreach for activities that could affect residents, including, but not limited to compliance with City Section 3 plans. Outreach to the BHA is done through the listserv mentioned in Section E below. More direct communication with the BHA executives will be handled through regular emails, phone calls, or face to face meetings. BHA will also be contacted when announcements of programs or topics of particular interest to BHA residents arise, especially before and during plan development, in order for the BHA to contact residents in advance to attend meetings and provide feedback.

#### **D. Public Participation Activities**

The City of Binghamton has established various methods for citizens to: 1) participate in the development of the Consolidated Plan/Annual Action Plan; 2) provide feedback regarding activities proposed in these plans and substantial amendments; and 3) provide feedback regarding accomplishments and expenditures identified in the CAPER.

Public participation methods used are as follows: *Community Development Advisory Committee (CDAC)* –CDAC is the formal public participation body representing the interests of community stakeholders. The membership consists of an appointed representative from each Council District, three Mayoral appointees and one ‘at large’ member appointed by City Council. CDAC’s role is to make recommendations to the Mayor and the Council of the City of Binghamton regarding the planning, development, monitoring, coordination and evaluation of a comprehensive community development program pursuant to and in accordance with HUD regulations, and in accordance with the interests and needs of the residents of the City of Binghamton.

*Public Hearings* – In partnership with CDAC, the City of Binghamton sponsors at least two public hearings during the development of the Consolidated Plan/Annual Action Plan. The first public hearing occurs prior to developing the plan(s). The first hearing provides citizens and community stakeholders with the opportunity to identify housing and community development activities that will improve neighborhoods, commercial districts and/or the City as a whole. The second public hearing occurs after publication of the draft Consolidated Plan/Annual Action Plan. The second public hearing provides citizens and community stakeholders with the opportunity to provide feedback with respect to proposed activities and expenditures of entitlement funds and projected program income.

Public hearing notices are published in the City’s local paper of record, the *Press and Sun Bulletin*, ten days in advance of the hearing. Public notices include the subject, time and location of the hearing, and are advertised in a non-conspicuous section of the paper such as the community section. City staff also distribute notices to the Broome County Public Library, City/County/State government complex, senior centers and public housing complexes for posting in public spaces. Notices are also e-mailed to a community development email listserv. The City issues a press release to local media informing them of public hearings.

Public hearings occur in the evening, no earlier than 5:00 p.m. Public hearings are scheduled at alternating times during the development of the Consolidated Plan/Annual Action Plan in order to maximize opportunities for citizen participation. Hearings are held in handicap accessible facilities that are open to the general public at no charge. Public hearings are recorded; transcripts of public hearings are incorporated in the Consolidated Plan/Annual Action Plan.

Should the City receive notice that a public hearing will be attended by a significant number of non-English speaking persons, the City will make reasonable efforts to secure translators or reach out to organizations that are known to represent the interest of non-English speaking persons. If translators are not available at the hearing, the City will record the name and address of the person and mail a letter requesting the person to submit any comments in writing.

*Written Comments* – The City will consider written comments as received. Responses to, and rejections of, written comments received during public comment periods, as well as oral testimonies provided at public hearings, will be incorporated as an appendix in HUD planning documents.

At the City’s discretion, additional public participation methods may be used to develop the Consolidated Plan/Annual Action Plan. Such methods include, but are not limited to, convening community meetings and/or focus groups, conducting community surveys, or use of technological communications.

### **E. Development of Consolidated Plan/Annual Action Plan**

The development of the Consolidated Plan identifies housing and community development needs that will be prioritized during a five year period. The development of the Annual Action Plan builds from the Consolidated Plan and identifies how entitlement funds and program income will be used to implement housing and community development activities each program year. The City of Binghamton's program year extends from September 1<sup>st</sup> – August 31<sup>st</sup>. The Consolidated Plan/Annual Action plan is due to HUD by July 17<sup>th</sup>, 45 days prior to the beginning of the program year.

Prior to the adoption of the Consolidated Plan/Annual Action Plan, the City of Binghamton will publish in the *Press and Sun Bulletin* a summary of proposed activities with funding allocations. The City will identify activities that are projected to benefit low/moderate income persons. The City will also disclose projected amounts of program income that are anticipated to be received and proposed use(s). The publication will specify the dates of the 30 day period for receiving written comments. A copy of the publication will be e-mailed to a community listserv. The publication will be made available in a format accessible to persons with disabilities or non-English speaking individuals, upon request.

A copy of the full draft Consolidated Plan/Annual Action Plan will be available for public review during normal business hours at the following locations:

City of Binghamton Clerk's Office  
City Hall, 1<sup>st</sup> Floor  
38 Hawley Street Binghamton, NY 13901  
Binghamton, NY 13901

Broome County Public Library  
185 Court Street  
Binghamton, NY 13901

HUD Administration and Housing General Circulation Desk  
City Hall, 4<sup>th</sup> Floor  
38 Hawley Street Binghamton, NY 13901  
Binghamton, NY 13901

Upon request, the City will provide up to five free copies of the draft Consolidated Plan/Annual Action Plan to interested parties. Interested parties will be required to process a FOIL request with the City Clerk. Requests will be honored on a first come-first serve basis.

A public hearing will be scheduled during the 30 day comment period. The City will follow its procedures of notification as outlined in the Public Participation Activities section.

Upon adoption by Binghamton City Council and approval from HUD, the City will post a copy of the final Consolidated Plan/Annual Action Plan on the City of Binghamton's Planning web page for free public access.

### **F. Substantial Amendments**

The City of Binghamton defines a substantial amendment as follows:

- A change in which the total grant award for an entitlement program increases or decreases by more than 15% during the program year.
- To carry out an activity that was not previously identified in the plan.
- A change in purpose, scope, location and beneficiaries from one eligible activity to another by more than 15% of total funds previously authorized.

The following activities do not constitute a substantial amendment:

- Updates to Consolidated Plan data including, but not limited to, census data, income limits, fair market rents, and HOME high/low market rents.
- Change in location of implementing an approved activity so long as the purpose, scope and intended beneficiaries remain constant.
- Transfer of entitlement funds amongst program years' budget lines for synonymous activities.

Where it is determined that a substantial amendment to the Consolidated Plan/Annual Action Plan is necessary, the City of Binghamton will provide opportunity for public comment. The City will publish a Notice of Substantial Amendment in the *Press and Sun Bulletin* defining the scope of the amendment, affected activity(ies) and correlated funding, and will specify the dates of the 30 day comment period for receiving written comments. A copy of the publication will be e-mailed to community list serves and mailed to interested parties on the CDBG mailing list. The only exception to the 30 day public comment period is if this requirement is waived by HUD. A summary of public comments and City responses will be provided to HUD along with the substantial amendment as adopted by Binghamton City Council.

#### **G. Consolidated Annual Performance and Evaluation Report**

The Consolidated Annual Performance and Evaluation Report (CAPER) outlines the City's performance in completing projects and expending entitlement funds and program income for each program year (September 1<sup>st</sup> – August 31<sup>st</sup>). The City's CAPER is due to HUD by November 29<sup>th</sup>, 90 days from the end of the program year.

At least 20 days prior to the submission deadline, the City of Binghamton will publish a notice in the *Press and Sun Bulletin* providing the public an opportunity to review and comment on the contents of the draft CAPER. The publication will specify the dates of the 15 day period for receiving written comments. During the public feedback period, the City will hold a public hearing at a regular City Council business meeting to collect feedback from Citizens regarding the CAPER. A copy of the publication will be e-mailed to community list serves and mailed to interested parties on the City's CDBG mailing list. The publication will be made available in a format accessible to persons with disabilities or non-English speaking individuals, upon request. A copy of the full draft CAPER will be available for public review during normal business hours at the City of Binghamton's Department of HUD Administration and Housing.

Upon acceptance from HUD, the City will post a copy of the final CAPER on the City of Binghamton's Planning web page for free public access.

#### **H. Anti-Displacement Policy**

Before obligating or expending funds that will directly result in demolition or conversion of publicly funded/subsidized housing, the City of Binghamton will make available to the U.S. Department of Housing and Urban Development field office all required information including a description of the assisted activity, its location on a map, number of dwelling units affected, a time schedule, the general location and number of proposed replacement units, the source of funding for replacement units, and the basis for concluding that each replacement unit will remain a low and moderate income unit for at least ten years from the date of initial occupancy.

The City of Binghamton will offer relocation assistance to eligible low/moderate income persons who are displaced as a result of acquiring, rehabilitating, or demolishing real property assisted with entitlement funds. The City's Housing Supervisor, or his/her designee, will provide relocation advisory services to impacted persons. The City will provide proper notice to impacted persons for vacating property, and provide financial assistance for eligible relocation expenses in accordance with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974.

### **I. Responding to Citizen Concerns**

The City of Binghamton strives to maintain an open door policy with respect to citizen input, comments and complaints throughout the program year. Responses to complaints related to the Consolidated Plan/Annual Action Plan, substantial amendment, or CAPER will be provided within 15 working days. The City's response will indicate whether the complaint was accepted, rejected, requires further information from the complainant, or requires further research by City staff. Written comments shall be addressed to:

HUD Manager  
City Hall, 4<sup>th</sup> Floor  
38 Hawley Street  
Binghamton, NY 13901

### **J. Access to Records**

Final copies of the Consolidated Plan/Annual Action Plan, substantial amendment and CAPER, as approved by the Mayor, Binghamton City Council and HUD, will be posted on the City's Planning web page for free public access. Upon completing a FOIL request, up to five free copies of each planning document will be provided to interested parties on a first come-first serve basis. All copies thereafter will be provided at cost in accordance with the City of Binghamton's payment policy.

### **K. Technical Assistance**

At its discretion, the City of Binghamton may outsource a portion of its entitlement funds to approved third parties to carry out program activities. A designated staff person from the Department of HUD Administration and Housing will provide technical assistance to eligible third parties requesting assistance for developing proposals in response to solicitations by the City. Technical assistance may be provided in formal venues such as workshops and project site visits, and informal means such as e-mail and telephone communication. Technical assistance provided by City staff will not constitute a guarantee of funding to any group or person. Contracts for services with third parties must be approved by Binghamton City Council and/or the Board of Contract and Supply.

### **L. Jurisdiction Responsibility**

The requirements for citizen participation do not restrict the responsibility or authority of the City of Binghamton for the development and execution of its Consolidated Plan/Annual Action Plan, Substantial Amendment, or submission of the Consolidated Annual Performance and Evaluation Report.