



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		September 26, 2016			
Department:		Neighborhood Services			
Department Head		Lori Feild Schwarz			
Agenda Coordinator (include phone #): <b>Doris Carter ext. 8209</b>					
<b>CAPTION</b>					
Public Hearing and consideration of a Resolution of the City of Plano, Texas, authorizing an amendment to the 2015 – 2019 Citizen Participation Plan for the use of U. S. Department of Housing and Urban Development Community Development Block Grant and HOME Investment Partnerships Program funds; and providing an effective date.					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2015-2019</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
<b>FUND(s):    N/A</b>					
<b>COMMENTS:</b> This item has no fiscal impact.					
STRATEGIC PLAN GOAL: An Amendment to the 2015-2019 Citizen Participation Plan directly supports the City's Goal of Partnering for Community Benefit.					
<b>SUMMARY OF ITEM</b>					
The U.S. Department of Housing and Urban Development's (HUD) Affirmatively Furthering Fair Housing regulations require the City to amend the 2015-2019 Citizen Participation Plan to include the Assessment of Fair Housing (AFH). The proposed amendment to the Citizen Participation Plan includes consultation and community participation requirements established by HUD for the City to follow in developing and finalizing its AFH.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Memo					
Resolution					
Attachment A					
Attachment B					

**Date:** September 9, 2016

**To:** Bruce Glasscock, City Manager

**From:** Shanette Brown, Community Services Manager

**Subject:** Proposed Amendment to the 2015-2019 Citizen Participation Plan

## Summary

The U.S. Department of Housing and Urban Development's (HUD) Affirmatively Furthering Fair Housing Final Rule requires local governments receiving HUD funds to revise their Citizen Participation Plan (CPP) to include the Assessment of Fair Housing (AFH) analysis within the plan.

## Background

In March 2016, HUD published a new, final rule regarding the obligation to Affirmatively Further Fair Housing. The new rule replaces the Analysis of Impediments to Fair Housing with an Assessment of Fair Housing (AFH). The AFH is an examination and determination of: 1) fair housing data, 2) assessment of fair housing issues, and 3) identification of fair housing priorities and goals for the implementation and use of the City's HUD funds. An AFH report is the result of the above analysis and conclusions.

The proposed amendment to the CPP includes consultation and community participation requirements established by HUD for the City to follow in developing and finalizing its AFH. For the AFH, this proposed amendment includes the following:

- Holding at least two public hearings for the AFH; one during development and, one after publication;
- Observing a thirty (30) day comment period before the AFH is finalized;
- Defining the Substantial Amendment process for amendments to the AFH and the Citizen Participation Plan; and,
- Providing other guidelines for access to records, technical assistance, and complaints.

On August 21, 2016, a public hearing notice was placed in the Plano Star Courier to inform citizens of the proposed changes. No comments have been received.

## Next Steps

If approved, the amendments to the CPP will become effective for the 2015-2019 Five Year Consolidated Plan Year that ends September 30, 2020.

xc: Jack Carr, Deputy City Manager  
Lori Schwarz, Director of Neighborhood Services

**A Resolution of the City of Plano, Texas, authorizing an amendment to the 2015 – 2019 Citizen Participation Plan for the use of U. S. Department of Housing and Urban Development Community Development Block Grant and HOME Investment Partnerships Program funds; and providing an effective date.**

**WHEREAS**, the U.S. Department of Housing and Urban Development (HUD) requires local governments seeking federal assistance through the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) programs to develop a Citizen Participation Plan to set forth policies and procedures for citizen participation in community development activities; and

**WHEREAS**, HUD's Final Rule on Affirmatively Furthering Fair Housing requires local governments receiving HUD funds to complete an Assessment of Fair Housing prior to submitting a five year Consolidated Plan; and

**WHEREAS**, on March 3, 2015 the City Council adopted Resolution No. 2015-3-15(R) approving the 2015 – 2019 Five Year Consolidated Plan that included the Citizen Participation Plan (CPP); and

**WHEREAS**, the CPP details the public participation process required by HUD to encourage citizen participation during the development of the Consolidated Plan, amendments thereto, and review of HUD performance reports; and

**WHEREAS**, HUD requires all jurisdictions that adopted a Citizen Participation Plan before August 17, 2015, to amend the Citizen Participation Plan to encourage citizens to participate in the development of the Assessment of Fair Housing (AFH); and

**WHEREAS**, in order to comply with this HUD requirement, an amendment to the CPP which was adopted by the City Council in conjunction with its adoption of the 2015 – 2019 Five Year Consolidated Plan has been presented to the City Council, a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, in accordance with the CPP, a public notice was published in the Plano Star Courier on Sunday, August 21, 2016, informing the public of the proposed amendment to the CPP, a copy of which is attached hereto as Exhibit "B"; and

**WHEREAS**, the City Council held a public hearing on September 26, 2016 to receive public comments regarding the proposed amendment to the CPP; and

**WHEREAS**, the City Council is of the opinion that the amendment to the CPP for the 2015-2019 Five Year Consolidated Plan period should be in all things approved.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

**Section II.** The amendment to the 2015-2019 Citizen Participation Plan, attached as Exhibit "A", is hereby adopted.

**Section III.** This resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 2016.**

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

Approved as to form:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

**CITY OF PLANO AMENDED CITIZEN PARTICIPATION PLAN  
FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT and  
HOME INVESTMENT PARTNERSHIP FUNDS**

The City of Plano (City) is committed to providing opportunities for its citizens to participate in an advisory role in the planning, implementation and assessment of its U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs. In order to encourage and support participation of citizens, the City will provide adequate information, hold public hearings, and give citizens the opportunity to comment on the City's plan for implementation and assessment of federal funds.

This Citizen Participation Plan (CPP) sets forth the City's policies and procedures for citizen participation in the development of the Consolidated Plan, Annual Action Plan, Substantial Amendments ~~and the~~ Consolidated Annual Performance and Evaluation Report (CAPER), and Assessment of Fair Housing (AFH). This ~~Plan~~ CPP will become effective October 1, 2015; the first year of the City's 2015-2019 Consolidated Plan and as amended. This CPP will be posted on the City of Plano web site and hard copies will be made available for review upon request by the Community Services Division of the Neighborhood Services Department.

**A. Consolidated Plan, Action Plan, Consolidated Annual Performance and Evaluation Report ~~and~~ Substantial Amendments, and Assessment of Fair Housing**

The Executive Summary of the Consolidated Plan will be published and made available at the City location in ~~sSections~~ (B)(3) of this plan. The Consolidated Plan will include an Action Plan for one program year. For each year thereafter, a one-year Action Plan will be made available to the public. The CAPER will be completed and submitted to the ~~U.S. Department of Housing and Urban Development~~ (HUD) following each program year. The AFH will occur every five years with the Consolidated Plan.

**1. CONSOLIDATED PLAN (CONPLAN)**

- a. This document serves as the five-year plan used to apply for funding under the CDBG and HOME programs. The City will make available to citizens, public agencies and interested parties information that includes:
- the amount of assistance the jurisdiction expects to receive, including grant funds and program income; and
  - the range of activities that may be undertaken, including the estimated amount that will benefit low/moderate income persons.

The overall goal of these programs is to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities principally for low and moderate income persons.

Through this document, the City describes its plan to pursue these goals for all the community planning and development programs, as well as for housing programs during a five year period.

- b. The City will conduct at least one public hearing during the development process before the ConPlan is published and at least one public hearing after the ConPlan is published to obtain citizen's views and to respond to proposals and questions. These public hearings will be held in conjunction with the Community Relations Commission and/or City Council meetings. The Notices of the Hearing and the Hearing will follow the procedures set forth in Section C.

## 2. ANNUAL ACTION PLAN (AP)

- a. This document serves as the application for funding to HUD under the CDBG and HOME Programs. The AP includes the amount of assistance the City expects to receive (including grant funds and program income) from each of the federal programs and a description of the activities and related funding allocations that the City will undertake to address the needs and priorities established in the ConPlan.
- b. The City will conduct at least one public hearing during the development process before the AP is published and at least one public hearing after the AP is published to obtain citizen's views and to respond to proposals and questions. The public hearings will be held in conjunction with the Community Relations Commission and/or City Council meetings. The Notices of the Hearing and the Hearing will follow the procedures set forth in Section C.

## 3. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

- a. This report describes the accomplishments undertaken with federal funds during the previous year, including how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income residents. The fiscal year for expenditures of HUD funds begins October 1 and ends September 30 of the following year. This report will be submitted to HUD within ninety days of the close of the program year.
- b. The City will provide an opportunity to comment on the CAPER. Citizens will be given a period of not less than fifteen days prior to the submission of the CAPER to HUD to provide comments. Comments may be submitted ~~to the~~ by writing or calling ~~any of the numbers listed in Section (C)(3)(b) the~~ Neighborhood Services Department or as listed in the public notice. Additionally, the City will consider any oral or written comments or views of

citizens received at the public hearing conducted while preparing the CAPER. A summary of these comments will be attached to the CAPER performance report.

- c. The City will conduct at least one public hearing after the CAPER is published to obtain citizen's views and to respond to questions. The public hearings will be held in conjunction with the Community Relations Commission and/or City Council meetings. The Notices of the Hearing and the Hearing will follow the procedures set forth in Section C.

#### 4. ASSESSMENT OF FAIR HOUSING (AFH)

- a. This document serves as the City's report, goals, and actions the City will take to address significant disparities in housing needs and access to opportunity; creating integrated and balanced living patterns; transforming racially and ethnically concentrated areas of poverty into areas of opportunity; and, fostering and complying with civil rights and fair housing laws. The AFH is a legal requirement of the City to further the purposes of the Fair Housing Act.
- b. The City will conduct at least one public hearing during the development process before the AFH is published and at least one public hearing after the AFH is published to obtain citizen's views and to respond to proposals and questions. The public hearings will be held in conjunction with the Community Relations Commission and/or City Council meetings. The Notices of the Hearing and the Hearing will follow the procedures set forth in Section C.

#### 4.5. SUBSTANTIAL AMENDMENTS

- a. The City shall amend its approved ~~AP and/or its ConPlan~~ConPlan, AP, AFH, and/or CPP whenever it makes one of the following decisions:
  1. To make a change in ConPlan goals and objectives;
  2. To make a change in the method of distribution of funds;
  3. To carry out an activity, using funds from any program covered by the ConPlan (including program income), not previously described in the AP;~~or~~
  4. To make substantial changes in funding to an "activity" under the CDBG and HOME Programs, a substantial change is defined as an increase in funding for a particular activity of 25% or more of the original project budget even if the project is funded from multiple AP years. For example, if a project budget equals \$100,000 and the City would like to add \$9,000 to the project, no amendment would be necessary, however if the City wanted to increase the budget by \$25,000, an amendment would be necessary;
  5. To make a change in AFH goals and activities; or,
  6. To make a reduction in either the minimum number of public hearings or duration of public comment periods required by the

## CPP.

- b. Whenever a Substantial Amendment is proposed, the amendment shall be available for public comment for a period of thirty days before submission to City Council for approval. A Substantial Amendment to the Action Plan will not be implemented until the conclusion of the thirty-day public comment period. A summary of all comments or views received in writing, or orally, during the comment period, will be included with the final Substantial Amendment.

## **B. PUBLISHING THE PLANS AND CAPER**

1. In order to provide citizens the opportunity to participate in the development of the ConPlan ~~and~~, AP, and AFH; the City will publish notices of public hearings as described in Section C during the development of these documents. The initial AFH notice shall reference and make available to the public any HUD-provided data and other supplemental information the City plans to incorporate into its AFH.
2. In order to provide citizens the opportunity to examine the plans and comment on the proposed ConPlan, AP, and CAPER once developed, the City will publish a notice of at least one public hearing as described in Section C during the comment period or before adoption. The notice will describe the plan and availability of the draft documents.
3. The ConPlan, AP, CAPER, AFH, and Substantial Amendments ~~of these documents, including the listing of all approved activities and their funding under the CDBG and HOME Programs,~~ and CPP will be posted on the City of Plano website. In addition, drafts and final copies will be made available for review at the following location:

City of Plano  
Neighborhood Services Department  
Plano Municipal Center  
1520 K Avenue, Suite 2507501-A Independence Parkway  
Plano, Texas 7507475025

## **C. PUBLIC HEARINGS AND PUBLIC COMMENTS**

1. PUBLIC HEARINGS GUIDELINES
  - a. The City will hold at least ~~one two~~ public hearings, one during development of the plans and one after publication, to obtain citizens' views on the during the development of the ConPlan and at least one public hearing during the development of the AP, AP, and AFH. These public hearings will provide interested parties with the following:
    - i. A forum for citizens and groups to provide the City with

Citizen Participation Plan  
DRAFT Amended 6-22-  
2015September 2016

information on housing and community development needs ~~as part of the preparation of the ConPlan and the AP~~; and,

- ~~ii.~~ The amount of funds the City expects to receive from HUD for the implementation of the CDBG and HOME Programs, as well as program income, through activities under these programs, as part of the preparation of the AP.

- ~~b.~~ The City will hold at least one public hearing after publication of the CAPER to obtain citizens' views and comments.

~~2. The City will hold at least one public hearing to obtain citizens' views after publication of the ConPlan and at least one public hearing after publication of the AP. The public hearing will provide interested parties with the following:~~

~~A forum for citizens and groups to provide the City with information on housing and community development needs as part of the preparation of the ConPlan and the AP; and,~~

~~The amount of funds the City expects to receive from HUD for the implementation of the CDBG and HOME Programs, as well as program income, through activities under these programs, as part of the preparation of the AP.~~

~~A public hearing will be held to provide the public with information on the draft CAPER.~~

### PUBLIC COMMENT PERIODS

- a. A thirty (30) day comment period will be held for citizens to make comments on proposed ConPlans, APs, AFHs, and Substantial Amendments. A fifteen (15) day comment period will be held for the proposed CAPER.
- b. No plan or amendment will be implemented until the conclusion of each public comment period. All comments or views of citizens received in writing, or orally at public hearings, if any, will be considered by the City before implementing the proposed changes. A summary of citizen comments will be kept on file and with the final corresponding document.

### 3. GENERAL GUIDELINES

- a. Public hearings will be held at either the Community Relations Commission meetings or the City of Plano City Council meetings. Public hearings will be held at accessible locations as specified in the notice. Accommodations for disabled individuals are available upon request of at least 24 hours prior to the meeting. Also, Spanish-speaking personnel are present at these meetings upon request and, upon request from other non-English speaking residents; efforts will be made to have personnel fluent in the respective language present at these meetings.
- b. All public hearing locations will be wheelchair accessible and

accommodations for sign interpretive services can be made available if requested 48 hours in advance of meetings. The notices shall be published in English in the Plano Star Courier.

~~The City will provide a 30 day comment period in order to provide citizens with the opportunity to make comments on proposed ConPlans, APs, and Substantial Amendments. There will be a 15 day comment period for the CAPER. The Plans and the Amendments will not be implemented until the conclusion of each public comment period. All comments or views of citizens received in writing, or orally at public hearings, if any, will be considered by the City before implementing the proposed changes. A summary of citizen comments will be kept on file and with the final corresponding document.~~

c. Access to Records: Upon request, the City will make available information and records relating to the ConPlan, AP, and AFH during the preceding five years. The City and Neighborhood Services Department website will be updated with basic information and final HUD-approved plans and documents.

d. Technical Assistance: Upon request, the City will provide technical assistance to groups representative of persons of low and moderate income to comment on the AFH, or to develop proposals for funding assistance under any of the programs discussed in the ConPlan.

e-e. Complaints: Any resident with a complaint regarding the ConPlan, AP, CAPER, AFH, or Substantial Amendment may submit their concern in writing to the City of Plano Neighborhood Services Department c/o Community Services Manager. The City shall provide a timely, substantive written response to each complaint within 15 working days, where practicable.

#### 24. NOTICE OF PUBLIC HEARINGS AND COMMENT PERIODS

- a. In order to provide citizens the opportunity to participate in the development and proposed ConPlan, AP, ~~and CAPER~~CAPER, AFH, and Substantial Amendments; the City will publish notices of public hearings, public comment periods, and notices of availability of these draft documents in the Plano Star Courier, a newspaper of general circulation.
- b. The notice of the time, place, and purpose of the public hearings and comment periods will be published as a display ad, in a non-legal section of the newspaper. Public hearing will be held only after there has been adequate notice (at least 14 days).
- c. Public hearings will be held only after there has been adequate notice (at least 14 days). Additionally, the City Council agenda items that are the official proposed actions taken by the City Council will be published 72 hours prior to action taken by the City Council and are available on the City's

website at: [www.plano.gov](http://www.plano.gov).

**35. COMMENTS RECEIVED DURING THE PUBLIC HEARINGS AND DURING THE COMMENT PERIOD**

- a. When the City publishes its notice of the proposed use of the funds and the comment period, the city shall include the address of where to send written comments.
- b. The notice will also include the name, telephone number and e-mail address of a City staff person.
- c. The City shall consider all comments received during public hearings and the comment period. A summary of these comments or views and the determination of the acceptance or non-acceptance and reasons for the non-acceptance will be kept on file with the corresponding final document.

**46. ACCESS TO HEARINGS AND MEETINGS**

- a. The City shall provide citizens with reasonable and timely access to public hearings.
- b. All public notices for public hearings will include the following language for citizens with disabilities: “The Plano Municipal Building is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Planning-Neighborhood Services Department at (972) ~~941-7151~~208-8150.”
- c. All public notices will include a HUD-approved Fair Housing logo.

**D. ANTI-DISPLACEMENT**

Following the approval of the ConPlan and APs, the City of Plano will review all projects recommended for funding to identify those activities that will result in the displacement of residents.

The City’s overall goal is to minimize displacement of its residents. However, when displacement is unavoidable, before any formal action is taken by the City to displace an individual, the City will notify, in writing, those residents who will be displaced and outline the types of services available through the City. The City will comply with all requirements of the Uniform Relocation Assistance Act, and will not displace any resident unless suitable, safe, decent and sanitary housing is available. All replacement units will be inspected to ensure suitability. Residents who must relocate will be

provided with counseling assistance and referrals to replacement housing. In the event that a resident disagrees with the need for displacement, he or she may ~~must~~ make an appeal in writing to the City of Plano's Neighborhood Services Department.

**CITY OF PLANO**  
**NOTICE OF PUBLIC HEARING AND COMMENT**  
**PROPOSED AMENDMENT TO THE CITIZEN PARTICIPATION PLAN**  
**FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT AND**  
**HOME INVESTMENT PARTNERSHIPS PROGRAM GRANT FUNDS**

Publication Date: August 21, 2016

The City of Plano is committed to providing its citizens opportunities to participate in the planning, implementation, and assessment of the use of funds received from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME).

The City's Citizen Participation Plan (CPP) sets forth the policies and procedures for citizens to participate in the use of HUD funds by providing public notice, holding public hearings, and opening public comment periods. The City must follow the processes set forth in the CPP before finalizing and submitting reports to HUD. The CPP applies to the following for utilizing HUD funds: 1) Five Year Consolidated Plan, 2) Annual Action Plan, 3) Consolidated Annual Performance and Evaluation Report, and 4) Substantial Amendments.

**PROPOSED AMENDMENT**

In March 2016, HUD published a new, final rule regarding the obligation to Affirmatively Further Fair Housing. The new rule replaces the Analysis of Impediments to Fair Housing with an Assessment of Fair Housing (AFH). The AFH is an examination and determination of: 1) fair housing data, 2) assessment of fair housing issues, and 3) identification of fair housing priorities and goals for the implementation and use of the City's HUD funds. An AFH report is the result of the above analysis and conclusions.

The proposed amendment to the CPP includes consultation and community participation requirements established by HUD for the City to follow in developing and finalizing its AFH. For the AFH, this proposed amendment includes the following:

- Holding at least two public hearings for the AFH, one during its development and one after its publication;
- Observing a thirty (30) day comment period before the AFH is finalized;
- Defining the Substantial Amendment process for amendments to the AFH and the Citizen Participation Plan; and,
- Providing other guidelines for access to records, technical assistance, and complaints.

**PUBLIC COMMENTS**

A 30-day public comment period will be open from August 22, 2016 to September 20, 2016. The public may review the Citizen Participation Plan in-person at the Neighborhood Services Department, 7501-A Independence Parkway, Plano, TX 75025. City department office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The Citizen Participation Plan may also be reviewed online at [www.plano.gov/660/Housing-Urban-Development-HUD-Grants](http://www.plano.gov/660/Housing-Urban-Development-HUD-Grants).

Comments regarding the Citizen Participation Plan should be directed to Shanette Brown, Community Services Manager, 7501-A Independence Parkway, Plano, TX 75025, Phone: (972) 208-8150, Fax: (972) 208-8158, Email: [shanetteb@plano.gov](mailto:shanetteb@plano.gov). Comments received after the public hearing on Monday, September 26, 2016, will not be sent to HUD.

## **PUBLIC HEARINGS**

The Citizen Participation Plan will be reviewed by City Council and the public may comment at a public hearing on Monday, September 26, 2016, to be held at 7:00 p.m. in the Council Chambers of the Plano Municipal Center, 1520 K Ave, Plano, TX 75074.

## **ACCESSIBILITY STATEMENT**

The Plano Municipal Building is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the Neighborhood Services Department at (972) 208-8150.

