



CITIZEN PARTICIPATION PLAN

**HOUSING and COMMUNITY
DEVELOPMENT PROGRAMS**



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CITIZEN PARTICIPATION PLAN

HOUSING and COMMUNITY DEVELOPMENT PROGRAMS

Introduction

Johnson County (the County) qualifies as an Urban County entitled to receive Community Development Block Grant (CDBG) funds, and as the Johnson County HOME Consortium entitled to receive Home Investment Partnerships (HOME) program funds. The Department of Housing and Urban Development (HUD) awards these entitlement funds. The CDBG program is administered by Community Development staff and the HOME program is administered by Housing Services staff in the Human Services Department. As a recipient of these federal funds, Johnson County is required to have a Citizen Participation Plan. The Citizen Participation Plan addresses how Johnson County involves residents in the planning, execution and evaluation of the CDBG and the HOME programs. Johnson County has developed this Citizen Participation Plan not only to meet the requirements in the Code of Federal Regulations, 24 CFR 91.105 and 91.505, but also to insure that its citizens are informed and have opportunities to be heard.

The Goal of This Citizen Participation Plan

The primary purpose of the programs covered by this Citizen Participation Plan is to “improve communities by providing decent housing, a suitable living environment, and growing economic opportunities, principally for low and moderate-income people.” It is necessary that public participation genuinely involve the beneficiaries of these funds. Therefore, the goal of the Citizen Participation Plan is to encourage the participation of low- and moderate-income persons, particularly those living in areas where the use of CDBG and HOME funds is being proposed, as well as the participation of all interested citizens, social service providers and public agencies. This plan is designed to provide every opportunity for citizen participation and to insure openness and the freedom of access to information through each stage in the CDBG and HOME process. *24 CFR 91.105(a)(2)(i)(ii)&(3)*

CITIZEN REPRESENTATION

THE HOUSING & COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

The Housing & Community Development Advisory Committee (Advisory Committee) was created by the Johnson County Board of County Commissioners (BOCC), Resolution No. 115-02. Its purpose is "to insure that the needs of low- to moderate-income individuals and families, the elderly, disabled, minority and homeless populations are expressed and adequately reflected in Johnson County's community development programs, housing programs, and other initiatives, and to otherwise facilitate Johnson County's housing and community development programs."

The Advisory Committee is composed of eleven Johnson County residents, and a member of the Board of County Commissioners who serves as liaison to the Advisory Committee. The BOCC Chairman nominates four Citizen Representatives, who are subject to the approval of the BOCC. The Chairman's nominees include one representative from each of the following:

- persons with disabilities;
- minorities;
- low-income households; and
- the homeless

In addition, the six (6) district county commissioners and the BOCC Chairman each nominate a Commissioner Representative, subject to the approval of the BOCC.

The Advisory Committee's duties are:

1. Advocate and solicit community support for Johnson County's community development and housing programs and initiatives.
2. Assist with and insure citizen participation in the preparation of the proposed Consolidated Plan and annual Action Plans.
3. Review and evaluate the Consolidated Plan, the annual Action Plan, any substantial amendments to the Consolidated Plan, the Consolidated Annual Performance and Evaluation Report (CAPER), the Citizen Participation Plan, the Affirmatively Furthering Fair Housing Plan (AFFH), the policies and procedures of the community development and housing programs, and make recommendations to the BOCC.

4. The Advisory Committee may conduct any required public hearings.
5. Maintain familiarity with current federal, state, and local laws and regulations affecting community development and housing, and advise the BOCC on programs in which Johnson County may have an interest.
6. Review the CDBG application and award process and establish procedures and criteria to be used in rating applications and in determining proposed awards.
7. Act as the Rating Committee on applications for funding and submit proposed awards for consideration by the BOCC.
8. Provide advice or act upon such other matters as the BOCC may from time to time assign to the Advisory Committee.

Meetings of the Advisory Committee

All meetings of the Advisory Committee are open to the public. Meetings are held at the Sunset Drive Office Building, 11811 South Sunset Drive, Olathe, Kansas, or other locations as determined by the Advisory Committee.

Public Notice

Public Notice will be provided a minimum of 14 days prior to an Advisory Committee meeting.

THE PROGRAM YEAR AND CITIZEN PARTICIPATION

Introduction

Johnson County's CDBG and HOME programs operate on a calendar year basis. During the program year, the County will seek public comment on events in the CDBG and HOME process. Each event is described below. The County will use the following means to inform and involve citizens in the process.

Adequate Public Notice

Adequate public notice will be provided prior to each event. HUD considers a minimum of 14 days to be adequate. Unless otherwise required, the 14 day public notice will apply to all events. *24 CFR 91.105(e)(2)*

Public Notice

Public notices for all events will be published in the official County newspaper. All public notices will be written to provide a clear understanding of the event. The notice will include the date, time and place of any meeting or public hearing. Written notice may also be sent (by mail or e-mail) to each participating City and to all agencies and interested individuals on the Community Development distribution list.

Public Comment Period

Certain events require a public comment period before any action can be taken. The length of these public comment periods varies. When a public comment period is required, the number of days will be noted in the description of the event. The public comment period begins on the day after publication.

Public Hearings

County

Each year the County may hold a minimum of one public hearing before the Board of County Commissioners. This public hearing may be held during the regular 9:30 a.m. Thursday meeting of the Board in the third floor hearing room, County Administration Building, 111 South Cherry Street, Olathe, Kansas. *24 CFR 91.105(e)(1)*

Housing & Community Development Advisory Committee

The Advisory Committee may hold additional public hearings at various locations in the County to be determined and published in advance by the Advisory Committee. *24 CFR 91.105(e)(3)*

Cities Participating in the Urban County

Cities in Johnson County participate in the Urban County through a signed Cooperation Agreement. Prior to submitting a CDBG application to the County, a participating City is required to hold a minimum of one public hearing, though the County highly recommends that the City hold two public hearings. Public hearings are intended to provide the opportunity for citizen comment not only on community needs that might be addressed through the CDBG program but also on any projects that are being proposed for CDBG funding.

A City will provide formal public notice in the city's newspaper of record a minimum of 14 days in advance of a public hearing date.

Accessibility

All meetings and public hearings will be held in locations accessible to people with disabilities. If any individual requires special accommodation (i.e., qualified interpreter, hearing assistance, etc.) or a non-English speaking individual requires a translator in order to participate in any meeting or public hearing, they are requested to notify the Community Development staff at (913) 715-8990 or, for the hearing impaired, at (913) 894-8822 (TDD) no later than 48 hours prior to the scheduled commencement of the meeting or public hearing. *24 CFR 91.105(e)(3)(4)*

Typical Program Year

Though specific dates cannot be provided, the following table provides a general overview of when events occur during a typical program year.

EVENT	TIME OF YEAR
Meetings with Subrecipients of CDBG funds for the Current Program Year if requested.	January or when funds become available
Consolidated Annual Performance and Evaluation (CAPER) Report	February/March
Identify Housing & Community Development Needs	February-May
CDBG Application Workshop	April
CDBG Applications Due	End of May
Applicant Presentation Before Advisory Committee	June-August
Five-Year Consolidated Plan	September-October
Action Plan	September-October
Ordinary Amendments to Consolidated Plan	When they occur
Substantial Amendments to Consolidated Plan	When they occur
Modifications to Citizen Participation Plan	When needed
Affirmative Furthering Fair Housing Plan	When needed

EVENT 1 MEETINGS WITH SUBRECIPIENTS

When funding becomes available, the Community Development staff will schedule meetings, either individually or in small groups, with those who have been awarded CDBG funds for the current program year if requested. Each person is provided with a Subrecipient Agreement, a **CDBG Handbook** and, depending on the type of activity being funded, a **Davis-Bacon Handbook**. Both were developed by the Community Development office and are specific to Johnson County's CDBG program. Staff explains the Agreement and reviews each item in the Handbook(s).

EVENT 2 CONSOLIDATED ANNUAL PERFORMANCE and EVALUATION REPORT (CAPER)

The second event in the program year is the **Consolidated Annual Performance and Evaluation Report (CAPER)**. Within 90 days of the close of the program year, the County is required to submit the CAPER to HUD. The CAPER describes how funds were used, outlines the program year accomplishments and shows the extent to which these funds were used for activities that benefited low- and moderate-income people. Prior to submitting the CAPER to HUD, a summary of all comments received, either orally or in writing, will be made a part of the CAPER. *24 CFR 91.105(d)(2)*

Public Notice

Public Notice will be provided a minimum of 20 days prior to the public hearing. The notice will provide the dates for the 20-day public comment period, the locations where the CAPER is available, and the date, time and place of the public hearing. *24 CFR 91.105(d)(1)*

Public Hearing: A public hearing on the CAPER will be held.

EVENT 3 IDENTIFYING COMMUNITY DEVELOPMENT AND HOUSING NEEDS

The third event in the program year is to conduct public hearings to obtain public input on the community development and housing needs of low- to moderate-income residents, including setting priorities among those needs and recommending programs to meet high-priority needs. In certain years, these hearings will be held in preparation of the Consolidated Plan, a five-year planning document. In the intervening years, these hearings are in preparation of the Action Plan, which is a yearly update to the Consolidated Plan.

Public Notice

These public hearings may be held in conjunction with the CAPER public hearing. The Hearing Panel will determine and provide advance notification of the number of hearings to be held and their times and locations in the County.

EVENT 4 APPLICATION WORKSHOP

The fourth event of the Program Year is the **Application Workshop**. Anyone interested in applying for CDBG funds is encouraged to attend the workshop. An Application Handbook and Instructions are reviewed at the workshop. The requirements of the CDBG program are addressed in detail and applicant questions are answered. The application itself is discussed and is made available on Community Development's website. Application workshop topics include:

- ✓ Eligible and ineligible applicants
- ✓ Eligible and ineligible activities
- ✓ Federal and County Program objectives
- ✓ Completing the application
- ✓ Evaluation criteria that will be used

For interested parties unable to attend the workshop, the Handbook, Instructions and Application will be available on the County's web site or will be e-mailed or mailed upon request. The Application Workshop is held at a County building, which will be noted in the public notice, and may vary depending upon conference room availability.

Public Notice

In addition to a Public Notice, notices are also mailed to all participating Cities and other interested organizations and individuals on the Community Development distribution list.

EVENT 5 APPLICANT PRESENTATION BEFORE THE ADVISORY COMMITTEE

Upon receipt of an application, the Community Development office must determine that the proposed project meets a national objective, is an eligible activity and has met all the requirements of the application process. After the application due date, a complete set of eligible applications is provided to each member of the Advisory Committee Rating Team for review. The applicant presentation is held before the Advisory Committee at a place and time to be determined by the Advisory Committee. Each applicant will present the project proposed in the application and respond to questions from Advisory Committee members. The Advisory Committee will rate the applications and make funding recommendations to the BOCC.

Notice

Each applicant will be notified of the date and time of their presentation.

EVENT 6 THE PROPOSED FIVE-YEAR CONSOLIDATED PLAN Or THE PROPOSED ACTION PLAN

The proposed five-year Consolidated Plan and the proposed Action Plan are the central planning documents of the CDBG and HOME programs. The Consolidated Plan is a five-year strategic plan. It is:

- a collaborative process whereby the community establishes a unified vision for community development actions;
- a comprehensive housing affordability strategy (CHAS) that sets forth the County's policy for allocating investment among housing needs activities;
- a statement of specific long-term and short-term community development objectives and priority non-housing community development needs;
- an application for funding under the Community Planning and Development formula grant programs (CDBG and HOME);
- a strategy to be followed in carrying out HUD programs; and
- a management tool for tracking and measuring results.

The one-year Action Plan describes the specific projects and activities that the County plans to undertake in the coming year to address the priority needs identified in the Consolidated Plan. The Action Plan provides information on:

- The estimated amount of CDBG and HOME funds the County expects to receive in the coming program year; *24 CFR 91.105(b)(1)*
- A complete listing and description of each activity proposed for funding in the upcoming program year; *24 CFR 91.105(b)(1)*
- Homeless and other special needs activities;
- Actions that will be taken during the program year to address such issues as barriers to affordable housing, reduce lead-based paint hazards, obstacles to meeting underserved needs; and
- How the CDBG and HOME programs are monitored.

Public Notice

Public Notice will be given a minimum of 30 days prior to the public hearing. The notice will contain a summary of the plan. It will provide the dates for the 30-day public comment period, state where the proposed Consolidated Plan or Action Plan is made available for public comment, and the date and time of the public hearing. *24 CFR 91.105(b)(2)(4)*

Public Hearing

A public hearing on the proposed Consolidated Plan or Action Plan may be held before the Board of County Commissioners. After receiving public comments and closing the public hearing, the Board will take appropriate action and may authorize the County Manager or designee to submit the Consolidated Plan or Action Plan to HUD.

In preparing the Final Consolidated Plan or Action Plan, consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final Consolidated Plan and Action Plan will have a section that includes citizen comments received and any response by the County. *24 CFR 91.105(b)(5)*

EVENT 7 AMENDMENTS TO THE CONSOLIDATED PLAN

On occasion during the year it may be necessary to make amendments to the Consolidated Plan or Action Plan. The County is required to amend its approved plan whenever it makes one of the following decisions:

1. "To make a change in its allocation priorities or a change in the method of distribution of funds." *24 CFR 91.505(a)(1)*
2. "To carry out an activity, using funds from any program covered by the consolidated plan (including program income), not previously described in the action plan." *24 CFR 91.505(a)(2)*
3. "To change the purpose, scope, location, or beneficiaries of an activity." *24 CFR 91.505(a)(3)*

Substantial Amendments

The County must specify the criteria that will be used to determine which amendments are substantial amendments. It is these substantial amendments that are subject to the citizen participation process. *24 CFR 91.105(c)(1); 91.505(b)*

Criteria for Substantial Amendments

Johnson County considers the following actions to be substantial amendments:

1. A change in the use of CDBG funds from one eligible activity to another, involving an amount greater than 50% of the project for activities with funding in excess of \$100,000.
2. A change in the purpose, scope, location, or beneficiaries of an activity, if the intent of the original activity would be clearly changed.
3. The addition of an activity not originally described in the annual Action Plan.

Public Notice – Substantial Amendments:

Public Notice will clearly state the proposed substantial amendment, the reasons for the amendment, and provide the dates for the 30-day public comment period, after which action will be taken. *24 CFR 91.105(c)(2)*

Submittal to HUD

Upon completion of the public comment period, the substantial amendment together with an affidavit of publication and any comments received from the public will be submitted to HUD. *24 CFR 91.505(c)(1)*

EVENT 8
AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH) RULE

On March 14, 2016, the U.S. Department of Housing and Urban Development (HUD) issued a notice providing guidance to cities on 24 CFR Part 5, Affirmatively Furthering Fair Housing Rule into the requirements of 24 CFR 91.10-Consolidated Program Year and 24 CRF 91.115-for the Citizen Participation Plan.

During the development of the Assessment of Fair Housing, the County shall:

1. Make any proposed analysis and the relevant documents, including HUD provided data and any other data to be included in the AFFH available to the public;
2. Consult with agencies and organizations identified in consultation requirements 24 CFR part 91;
3. Publish the proposed AFFH in a manner that enables residents and others the opportunity to examine its content and submit comments;
4. and provide notice of the public hearing in the same manner as Consolidated Plan; and
5. Provide a period of not less than 30 calendar days to receive comments from Johnson County residents.

Public Notice

Public Notice will be provided a minimum of 30 days prior to the public hearing. The notice will provide the dates for the 30-day public comment period, the locations where the AFFH is available, and the date, time and place of the public hearing. *24 CFR 91.105(b)*.

Public Hearing:

Provide for at least one public hearing during the development of the AFFH. 24 CFR 91.105(e).

EVENT 9 THE CITIZEN PARTICIPATION PLAN

This Citizen Participation Plan can be substantially changed only after the public has been notified of the intent to modify the Plan, and only after the public has had a reasonable chance to review and comment on proposed changes to the Plan. *24 CFR 91.105(a)(3)*

Public Notice: The notice will announce the intent to modify the Citizen Participation Plan. After a 14-day public comment period, the Board of County Commissioners will consider the modifications to the Plan at a regular Board meeting, and may authorize the County Manager to submit any approved modifications to HUD.

EVENT SUMMARY

EVENT	Public Notice	Public Comment Period	Public Hearing
Consolidated Annual Performance and Evaluation (CAPER) Report	Yes	20 days	Yes
Identify Housing & Community Development Needs	Yes	N/A	Yes
Application Workshop	Yes	N/A	N/A
Five-Year Consolidated Plan	Yes	30 days	Yes
Annual Action Plan	Yes	30 days	Yes
Substantial Amendments to Consolidated Plan	Yes	30 days	No
Non-Substantial Amendments to Consolidated Plan	No	N/A	No
Affirmatively Furthering Fair Housing Plan	Yes	30	Yes
Modifications to Citizen Participation Plan	Yes	14 days	Yes

INFORMATION AND ASSISTANCE

PUBLIC ACCESS TO INFORMATION

Johnson County will provide for full public access to information pertaining to any housing or community development program administered by the Johnson County Community Development office (CDBG program), or Johnson County Housing Services (HOME program). This will include information and records relating to the data or content of the Consolidated Plan, the past, proposed, and actual use of funds, and all

documents covered by this Citizen Participation Plan. Records for the previous five years will be maintained at the Community Development Office and Housing Services Office for ready access. *24 CFR 91.105(h)*

Standard Documents

Standard documents available to the public include:

1. **Citizen Participation Plan**
2. **Consolidated Plan** (proposed and final five-year)
3. **Action Plan** (proposed and final)
4. **Substantial Amendment** (proposed and final)
5. **Affirmatively Furthering Fair Housing (AFFH) Plan** (proposed and final)
6. **Consolidated Annual Performance and Evaluation Report (CAPER)** (proposed and final)
7. **Environmental Review Records**

Availability of Standard Documents

The Citizen Participation Plan, Consolidated Plan, Action Plan, CAPER, and Affirmatively Furthering Fair Housing Plan will be posted on the County's web site. Both electronic and hard copies of all these documents are available from the Community Development Office, 11811 South Sunset Drive, Suite 1300, Olathe, Kansas, Monday through Friday, between the hours of 8 a.m. - 3:00 p.m., and at the Johnson County Central Reference Library, 9875 W. 87th Street, Overland Park, Kansas. Upon request, a reasonable number of copies will be provided within two working days of the request. These materials will be made available in a form accessible to persons with disabilities, when requested.

TECHNICAL ASSISTANCE

The Community Development Office will work with participating Cities, as well as with organizations and individuals representing low- and moderate-income people, who are interested in submitting an application to obtain funding for a project. Technical assistance will also be provided on the requirements of the CDBG and HOME programs, such as Davis-Bacon Fair Labor Standards, environmental policies, fair housing and equal opportunity requirements, and income documentation. *24 CFR 91.105(i)*

All potential applicants for funding are encouraged to attend the application workshop (Event 4 above) or to contact the Community Development Office for technical assistance before completing the application form. The Community Development office is located at:

11811 South Sunset Drive, Suite 1300
Olathe, Kansas 66061-3441
(913) 715-8990 or (913) 715-8825
cdbg@jocogov.org

Technical assistance provided by the Community Development office does not include the preparation of grant applications. Technical assistance is also provided throughout the year to subrecipients of CDBG funds.

CITIZEN COMMENTS

There are many opportunities for public comment. All comments will be responded to either verbally or, when appropriate, in writing. Citizens can convey their comments:

- ✓ Verbally at any workshop or Public Hearing,
- ✓ In writing to the Board of County Commissioners at
111 South Cherry Street, Suite 3300
Olathe, Kansas 66061-3486
- ✓ In writing to the Advisory Committee or the Community Development Coordinator at
11811 South Sunset Drive, Suite 1300
Olathe, Kansas 66061-3441
- ✓ By phone at (913) 715-8990,
- ✓ By fax at (913) 715-8825
- ✓ By e-mail to cdbg@jocogov.org

CITIZEN COMPLAINTS

The County will accept and respond to any written complaints. Citizen complaints received related to the Consolidated Plan, Action Plan, Substantial Amendments, Performance Report and Affirmatively Furthering Fair Housing Report will receive a written reply within 15 working days of receipt of the complaint. *24 CFR 91.105(j)*

ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Johnson County does not intend to undertake any activities funded by the U.S. Department of Housing and Urban Development (HUD) that would cause either temporary or permanent displacement of an individual or family. However, the County is required to have a Plan in place should such an event occur. *24 CFR 91.105(b)(1)*

The full Plan and its attachments are available at Community Development, Human Services Department, 11811 South Sunset Drive, Suite 1300, Olathe, Kansas 66061-3441.

The Plan contains three major components.

➤ **One-For-One Replacement of Low and Moderate Income Dwelling Units**

All occupied and vacant occupiable low/moderate-income dwelling units that are demolished or converted to a use other than as low/moderate-income housing as a direct result of an activity assisted under the Section 104(d) of the Housing and Community Development Act of 1974, as amended, will be replaced with low- and moderate-income dwelling units within three years of commencement of the activity.

➤ **Relocation Assistance**

Johnson County will ensure that relocation assistance is provided as described in 24 CFR 570.606 to each low- to moderate-income person who is displaced by the demolition or by the conversion of a low/moderate income dwelling unit to another use as a direct result of a CDBG or HOME assisted activity. Relocation notices must be distributed to the affected persons in accordance with 49 CFR 24.203 of the URA. Such displaced persons may elect to receive either relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or the relocation assistance described at 24 CFR Part 42, Subpart C (General Relocation Requirements) and Subpart D (Payment for Moving and Related Expenses).

➤ **Steps to Minimize Displacement**

Johnson County will take the following steps to minimize the involuntary displacement of lower-income persons when CDBG or HOME funds are involved:

- A. All CDBG and HOME applications will be reviewed to determine whether involuntary displacement is likely to occur. Those applications involving displacement will receive a lower priority recommendation for funding unless it can be shown that alternatives are not available.
- B. Applicants who apply for CDBG or HOME funds to acquire property for the development of lower-income housing will be encouraged to purchase vacant land or vacant dwellings.
- C. In the case of in-fill and other projects where vacant land or vacant dwellings are not available and the project involves potential displacement, the applicant shall agree to allow the displaced lower-income person(s) to occupy the new housing at an affordable rent.

- D. Applicants who utilize CDBG or HOME funds to rehabilitate or convert a lower-income unit to a non-residential use will be required to supply replacement housing as well as relocation assistance.
- E. The cost of any required relocation assistance and the provision of replacement housing will be borne by the applicant.

The County will also use the applicable HUD Brochures to inform residents/businesses of their rights under the ACT. These Brochures include:

- **When a Public Agency Acquires Your Property** (HUD-1041-CPD)
- **Relocation Assistance to Tenants Displaced from their Homes** (HUD-1042-CPD)
- **Relocation Assistance to Displaced Businesses, Nonprofit Organizations, and Farms** (HUD-1043-CPD)
- **Relocation Assistance to Displaced Homeowner Occupants** (HUD-1044-CPD)
- **Relocation Assistance to Tenants Displaced from Their Homes (Section 104(d))** (HUD-1365-CPD)