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MILLCREEK TOWNSHIP, PA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

**PREPARED FOR:
MILLCREEK TOWNSHIP SUPERVISORS
3608 WEST 26TH STRET
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**PREPARED BY:
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CDBG CITIZEN PARTICIPATION PLAN OF MILLCREEK TOWNSHIP, PA

BACKGROUND INFORMATION

Millcreek Township is “entitled” to apply for and receive an annual allocation of CDBG funds from the U.S. Department of Housing and Urban Development (HUD) pursuant to the provisions of Title I of the Housing and Community Development Act of 1974, as amended. It is not entitled to receive HOME, ESG or HOPWA funding.

The Township was designated a HUD “entitlement” in 1998 when its population went over 50,000 persons. HUD determines the amount of each annual grant by using a formula comprised of several measures of community need; including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas. The Township’s yearly CDBG allocation approximates \$250,000.

CDBG funds are to be used to undertake activities which address community development and/or housing needs as identified in the Township’s Five Year Consolidated Plan (CP) and which meets one of three National Objectives of the program which are:

- Principally benefit low-to-moderate income persons.
- Aid in the prevention or elimination of slums or blight.
- Meet a community development need having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community and other financial resources are not available to meet the need.

Of the three (3) objectives, the primary objective is to Principally Benefit Low-to-Moderate Income (LMI) persons and at least 70% of the allocation must be used for this purpose.

The Erie County Department of Planning & Community Development (DPCD) is the lead agency responsible for overall management, oversight and coordination of the Township’s CDBG program. The Township provides administrative funds to the DPCD through a sub-recipient agreement.

Each entitlement jurisdiction must complete a **Consolidated Plan (CP)** at least once every five years (24 CFR § 91.15). The Township’s current Five Year Consolidated Plan covers Fiscal Years 2018 to 2022. In general, the Consolidated Plan describes the jurisdiction’s community development priorities and multi-year goals based on an assessment of housing and community development needs, an analysis of housing and economic market conditions and available resources.

In preparing its CP the Township will consult with public and private agencies that provide assisted housing, health services, and social services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons), community-based and regionally-based organizations that represent protected class members, and organizations that enforce fair housing laws. Additionally, it’s consultation efforts will include, where feasible, 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.

The Consolidated Plan is carried out through **Annual Action Plans (AAP)** which provides a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. The AAP is submitted to HUD on or before May 15th. The Township’s CDBG program year begins July 1 and ends June 30.

At the end of each program year the Township will produce a **Consolidated Annual Performance and Evaluation Report (CAPER)**. The CAPER reviews the progress the Township has made in carrying out the priorities in the Consolidated Plan and most recent AAP. The report includes a description of the resources made available, the investment of the resources, the distribution and location of investments, per 24 CFR § 91.520. This report must be submitted to HUD within 90 days of the end of the Township's program year. Millcreek submits the CAPER to HUD on or before September 30th.

INTRODUCTION

As the recipient of CDBG funds, the Township is required to develop and follow a plan that provides for and encourages citizen participation. The Plan herein is an essential element of the Township's present and future consolidated planning process and has been designed to comply with the regulations and requirements of the CDBG program as administered by the Department of Housing and Urban Development (HUD).

The Citizen Participation Plan sets forth the Township's policies and procedures for citizen participation with respect to the CDBG Program and the following consolidated planning documents:

- Five Year Consolidated Plan (CP)
- Annual Action Plans (AAP)
- Consolidated Annual Performance and Evaluation Report (CAPER)
- Substantial Amendments to Plans
- Analysis of Impediments to Fair Housing (AI)

Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized. Additionally, emphasis will be placed on obtaining participation minorities, non-English speaking persons, and persons with disabilities.

Participation is encouraged by Continuum of Care, local and regional institutions, philanthropic organizations, non-profit organizations, community-based and faith-based organizations, public and private organizations, and other interested parties.

This Plan supersedes all other Citizen Participation Plans which have been adopted by Millcreek Township.

CITIZEN PARTICIPATION CONTACT PERSON

The CDBG Program Administrator will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the consolidated planning process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan. The CDBG Program Administrator is:

Joseph T. Berdis, CDBG Administrator
Erie County Department of Planning & Community Development
150 East Front Street, Suite 300, Erie, PA 16507
Phone: (814) 451-7330
Email: jberdis@eriecountypa.gov

TECHNICAL ASSISTANCE

The CDBG Program Administrator will provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of the CDBG program.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

PUBLIC HEARINGS

Millcreek Township will, at a minimum, convene two (2) public hearings conducted during the development of the Five Year Consolidated Plan and Annual Action Plan to obtain residents' views and to respond to proposals and questions. The first public hearing will be held during the development of the Five Year Consolidated Plan and/or Annual Action Plan before the proposed Plan is published for comment. The second public hearing will be held during the 30-day public comment period.

First Public Hearing

The Township will hold the first Public Hearing to obtain resident views on community development and housing needs and to provide residents important program information as a part of the planning process for the coming program year. At the Public Hearing, the information made available will include, but not necessarily be limited to:

- The estimated amount of CDBG monies expected to be available during the program year;
- Who can apply for a share of the Township's CDBG grant;
- Who to contact for an application and the deadline to submit a funding request;
- The range of activities that are eligible to be undertaken with CDBG funds,
- Activities ineligible for CDBG funding;
- The National Objectives of the program;
- The local priorities established for such use of funds;
- Review of previous activities undertaken with CDBG monies;
- The estimated amount of funds to be used for activities that will benefit low- and moderate-income persons
- A description of CDBG activities likely to result in displacement along with plans for minimizing such displacement, and the type and level of assistance that will be made available to persons displaced.
- The remaining tentative schedule moving forward.

Second Public Hearing

Once drafted and before the Five Year Consolidated Plan and Annual Action Plan is approved, the document(s) will be made available to interested parties for a public comment period no less than 30 days. A public hearing will be conducted during the 30-day comment period to gather comments on the proposed plan(s). Citizens will be provided with information which will include, but not necessarily be limited to:

- Information on the projects which were considered for funding;
- Identification of the projects the township proposes to undertake and the amount of CDBG funds allocated for each project/activity;
- Identify how the project(s) meet a National Objective;
- Remaining schedule of events including when the Township's application for funding assistance will be submitted to HUD and the Township's program start date.

The CDBG Program Administrator and local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning the CDBG program will be answered and their comments, suggestions, and/or proposals will be received.

Public Hearing Times and Locations

The public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, as determined by the Township. Hearings will normally be held in the Assembly Room of the Millcreek Township Municipal Building located at 3608 West 26th Street, Erie, PA 16506. The building is accessible to persons with disabilities. Hearings may, however, at the option of the Township, be held at an alternate location to be specified in the public hearing notice(s).

In the event of a local, state or federally declared disaster or emergency where public places may be closed to the public or in-person participation may not be feasible, the Township may opt to conduct public hearings “virtually” via conference call, live web-streaming, or other acceptable platform. Accommodations will be made for persons with disabilities upon request, such as sign language or translation services. Documents for public review will be shared via the Township’s website. Copies of the document will be emailed or mailed upon request.

Advertising/ Posting Public Hearing Notices

Notice of public hearings will be posted on the Township’s website and published in the Classified Ads Section under Public Notices in the Erie Times News for a minimum of fifteen (15) days prior to the hearing date.

The Township may waive hearing notice requirements in cases where unusual circumstances justify alternative means of notifying the general public. In such situations, shorter notice may be given, and public notices posted in public places may be used in place of a notice published in the newspaper. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed. Notices for public hearings may be run or posted, separately or together, as may be deemed necessary by the Township.

Accessibility to Low and Moderate Income Persons

It is the Township’s intent to promote participation by low and moderate income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s). The Township may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary.

Activities to promote additional participation may include: posting of notices in blighted neighborhoods, public housing units, and holding public hearings in low and moderate income neighborhoods or areas of existing or proposed CDBG project activities.

Accessibility to Persons with Disabilities

The locations of all public hearings will be made accessible to persons with disabilities. Where feasible, the Township upon sufficient notification will:

- Provide a sign language interpreter if one or more deaf persons will be in attendance
- Provide a qualified reader if one or more visually impaired persons will be in attendance
- Additionally, the Township will provide reasonable accommodations whenever it is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

Limited English Proficiency Residents

Township officials will undertake reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

PUBLIC REVIEW AND COMMENT PERIODS

To provide Township residents with the maximum opportunity to comment on the Citizen Participation Plan, Consolidated Plan, Action Plans, Substantial Amendments and CAPER the Township will provide the following public comment/review periods:

- Citizens may comment on the Consolidated Plan (CP) and Action Plan (AP) for at least thirty (30) days after the publication date of the draft plan.
- Citizens may comment on any Substantial Amendment to the Consolidated Plan and Action Plan for at least thirty (30) days after the publication date for the draft document.
- Citizens may comment on a new or *substantially amended* Citizen Participation Plan (CPP) for at least thirty (30) days after the publication date for the draft document.
- Citizens may comment on the Consolidated Annual Performance and Evaluation Report (CAPER) at least fifteen (15) days from the date of the Public notice.

SOLICITATION FOR APPLICATIONS

The Township annually solicits applications for funding consideration from agencies, groups, organizations, and township departments who serve residents of Millcreek. An application packet is e-mailed to these entities informing them that the Township will be applying for its annual allocation and that they can apply for a share of the monies to undertake activities to address community development and/or housing needs as identified in the Five Year Consolidated/Strategic Plan and which principally benefits low-to-moderate income persons. In the email the entities are informed of the date, time and location of the First Public hearing.

AMENDMENTS TO PLANS

From time to time, it may be necessary for the Township to amend the Consolidated Plan or an AAP to allow for new CDBG projects or activities; modification of existing projects or activities; or other program administrative actions.

HUD regulations at 24 CFR Part 91.505 requires amendments to the Consolidated Plan and/or AAP whenever there is:

- A change in the allocation priorities presented in the plan.
- A change in the method of distributing funds.
- A change in the use of funds to an activity not described in the Annual Action Plan; or
- A change in the purpose, scope, location, or beneficiaries of an activity

Some amendments will be considered Substantial while others will be considered Administrative. The need to prepare a Substantial Amendment shall trigger use of the public participation requirements described in this Plan. Comments from the public will be given due consideration by the Township before written notice of the Substantial Amendment is sent to HUD.

Substantial Amendment

HUD regulations at 24 CFR Part 91.505 (b) require the Township to identify the criteria to be used in determining if a proposed action will be considered a Substantial Amendment. The following four criteria for a Substantial Amendment are as follows:

1. A change in the use of funds from one eligible activity category to another (e.g. from housing to public services, or to any other broad category within CDBG funding).
2. Funding of a CDBG activity not previously described in the Consolidated Plan or Action Plan.
3. A change in the description of an existing activity in such a way that the newly described purpose, scope, location, or beneficiaries of an activity differ significantly from the original activity's purpose, scope, location, or beneficiaries; or
4. An increase in the CDBG funds allocated to an existing activity in an amount greater than thirty-three percent (33%) over the current funded amount.

Amendments not considered Substantial and not triggering public participation requirements include:

Minor Amendment

Amendment(s) to the budget of an activity or activities that increases/decreases the budget in an amount *less than* thirty-three- percent (33%) of the activity's originally approved budget. A decrease from one project to increase another project requires that the Township hold a meeting to discuss the matter and if in agreement to the proposed change approve by means of a Resolution at a Township regularly scheduled meeting.

Administrative Amendments, including those made necessary by a change in HUD regulations, will be considered narrative changes to be approved by the Township and CDBG Program Administrator. The changes will then be incorporated into the plans and made available online within a reasonable time after they are made. Any changes in federal funding after the AAP's draft comment period has expired and the resulting effect of the distribution of funds will not be considered a Substantial Amendment. Administrative Amendments do not require public consultation and may be implemented upon approval of the Township supervisors. These amendments will be noted in the program files.

Budget Amendments as Part of the Annual Action Plan

Budget balances de-obligated from cancelled activities or activities that have been successfully completed under-budget can be rolled forward into the next Annual Action Plan and CDBG funding round. Because Citizen Participation for a Substantial Amendment follows the same requirement as the proposed Annual Action Plan, no additional public participation is needed for this type of amendment.

Emergency Amendment(s)

In the event of a natural disaster or catastrophic occurrence, Millcreek Township may determine the need to make a Substantial Amendment to the Consolidated Plan and Annual Action Plan to address the unforeseen needs of the community. The Township may request and obtain from HUD a complete waiver or reduction in days of the required thirty (30) days public notice period for Substantial Amendments. Emergency amendments require the Township supervisors to hold a public meeting for recommendation to, and approval by, the Township Board of Supervisors via resolution authorizing such amendments but does not require thirty (30) days public notice.

CITIZENS PARTICIPATION PLAN AMENDMENTS

The Township may, from time to time, modify the provisions outlined herein through amendment to this Citizens' Participation Plan. It shall be the policy of Millcreek Township to periodically review and discuss the effectiveness of this Citizens' Participation Plan in allowing citizen participation in the community development process, and in helping to meet the community development needs and goals identified by the citizens of Millcreek. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time. Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the Township supervisors and shall be incorporated into this Plan.

ASSESSMENT OF PERFORMANCE

An annual performance report known as the Consolidated Annual Performance and Evaluation Report (CAPER) must be prepared by the Township for annual submission to HUD within 90 days of the conclusion of the Township's program year indicating the progress toward carrying out the Strategic Plan of the Five-Year Consolidated Plan and the Annual Action Plan for that program year, as amended if applicable, and as approved by the Township and submitted to HUD.

The CAPER shall include an assessment of goals and objectives and a description of the resources available, the investment of available resources, the geographic distribution and location of investments, the families and persons assisted, actions taken to affirmatively further fair housing, and other actions relevant to the program year. The report will also include the Township's progress made in meeting its specific objective of providing affordable housing.

The Township will provide public notice and comment opportunity on all CAPERs. Public notice of the availability of the CAPER will be published in the Erie Times News and posted on the Township's website. A 15-day comment period will be provided. After the comment period the Township will submit the CAPER to HUD for review and approval. All public comments received will be summarized and be attached to the CAPER when submitted to HUD.

ACCESS TO MATERIALS

Citizens will be provided full access to CDBG program information during all phases of the program. Township officials will make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the CDBG Program Administrator will keep all documents related to a CDBG program on file at the Erie County Department of Planning. Information from the project files will be made available for examination and duplication on request during regular business hours. CDBG program information and materials concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan.

Materials to be made available shall include, but are not necessarily limited to: the Citizens' Participation Plan; records of public hearing and mailings; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the Township; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case will the Township disclose any information concerning the financial status of any program participant(s), which may be required to document program eligibility or benefit.

ASSESSMENT OF FAIR HOUSING

As part of the Consolidated Plan, all grantees must certify that they will affirmatively further fair housing, which means conducting an Analysis of Impediments to Fair Housing Choice (AI), taking appropriate actions to overcome the effects of any impediments identified through that analysis, and keeping records of these actions. The Township's most current AI was completed in March 2015 as part of Erie County's Regional Fair Housing Equity Assessment (FHEA) which the County was mandated to

undertake as the recipient of a federal Sustainable Communities Initiative (SCI) grant it received in 2011. The Township adopted the FHEA on November 10, 2015 (Resolution 2015-R-23).

On July 16, 2015 at 80 FR 42357, HUD published in the Federal Register its Affirmatively Furthering Fair Housing final rule. This rule provided that CDBG Program participants must conduct an Assessment of Fair Housing. Deadlines to submit the assessment to HUD were based on a jurisdiction's deadline for submitting its Consolidated Plan. On October 24, 2016, HUD published at 81 FR 205, which provided an extension of the deadline for submission of the Assessment of Fair Housing for Consolidated Plan participants.

Until such time as the Assessment of Fair Housing requirement is reinstated, Millcreek Township will continue to comply with existing recommendations (where feasible) to affirmatively further fair housing as identified in the Erie County's Regional Fair Housing Equity Assessment (FHEA).

Any HUD-provided data and other supplemental information that the Township plans to incorporate in the development of the Consolidated Plan / Annual Action Plan and the Analysis of Impediments to Fair Housing will be made available to residents, public agencies, and other interested parties at the start of the public participation process (or as reasonably feasible). HUD-provided data may be made available by cross-referencing data on HUD's website.

COMPLAINT PROCEDURES

Millcreek Township will accept written complaints concerning the Consolidated Plan, Annual Action Plan, Citizen Participation Plan, CAPER, and amendments thereto. The complaint must contain the following information: (1) Name and address of the person(s) filing the complaint; (2) A description/reason for the complaint; and (3) Other available pertinent information that will assist in the review and resolution of the complaint. The Township will provide a written response to any written citizen complaint within fifteen (15) working days, when practicable. Complaints, comments and questions should be directed to the CDBG Program Administrator.

AUTHORITY

No portion of the Citizen's Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of Millcreek Township for the development and execution of its Consolidation Plan.

DEFINITIONS

Consolidated Plan (CP): A Five-Year planning document submitted to HUD every five years that identifies the Township's housing and community development needs and priorities.

Annual Action Plan (AAP): A document that identifies Millcreek Township's CDBG annual funding award allocation as received through HUDs formula grant program and describes the specific projects and activities that the Township will undertake during the year.

Consolidated Annual Performance Evaluation Report (CAPER): A document that reports on the progress made in carrying out the Consolidated Plan and Annual Action Plan.

Substantial Amendments: Amendments to either the Five-Year Consolidated Plan or Annual Action Plans submitted to HUD that meet the HUD criteria as substantial as per 24 CFR Part 91.505. Amendments that are considered substantial include: changes in allocation priorities, changes in method of distribution of funds, the addition of activities to fund that have not been previously stated in the action plan, changes in the purpose of an activity, a thirty-three- percent (33%) increase in an activity's originally approved budget, changes in scope, location or beneficiaries of an activity. A thirty (30) day public review/comment period is required.

Minor Amendments: Amendment(s) to the budget of an activity or activities that increases/decreases the budget in an amount *less than* thirty-three- percent (33%) of the activity's originally approved budget. A decrease from one project to increase another project requires that the Township hold a meeting to discuss the matter and if in agreement to the proposed change approve by means of a Resolution at a Township regularly scheduled meeting.

Budget Amendments as Part of the Annual Action Plan: Budget balances de-obligated from cancelled activities or activities that have been successfully completed under-budget can be rolled forward into the next Annual Action Plan and CDBG funding round. Because Citizen Participation for a Substantial Amendment follows the same requirement as the proposed Annual Action Plan, no additional public participation is needed for this type of amendment.

Emergency Amendments: In the event of a natural disaster or catastrophic occurrence, Millcreek Township may determine the need to make a Substantial Amendment to the Consolidated Plan and Annual Action Plan to address the unforeseen needs of the community. The Township may request and obtain from HUD a complete waiver or reduction in days of the required thirty (30) days public notice period for Substantial Amendments. Emergency amendments require the Township supervisors to hold a public meeting for recommendation to, and approval by, the Township Board of Supervisors via resolution authorizing such amendments, but does not require thirty (30) days public notice.