

Urban County of San Luis Obispo

# Community Participation Plan

For preparing and amending

The Consolidated Plan, Action Plan, or  
Assessment of Fair Housing



[Draft Amendment](#)  
[for Public Review and Comment](#)

Prepared by  
San Luis Obispo County  
Department of Planning and Building

## Community Participation Plan

### Table of Contents

Introduction .....	3
Lead Agency & Participating Jurisdictions .....	3
Section I – Community Participation Plan .....	4
Purpose .....	4
Process .....	5
Amendments .....	5
Other Requirements.....	6
Section II Consolidated/Action Plans .....	10
Process .....	11
Amendments .....	12
Section III – Assessment of Fair Housing (AFH) .....	14
Process .....	15
Revisions of the AFH.....	16
Section IV – CAPER & Performance Reviews .....	18
Process .....	18
Amendments .....	18
<u>CARES Act Amendments.....</u>	<u>19</u>
<u>Disaster/Emergency Events that May Require Expedited Major Amendments .....</u>	<u>20</u>

## Introduction

The County of San Luis Obispo (“the County”) and several partnering jurisdictions (listed below) constitute the Urban County of San Luis Obispo, an entitlement jurisdiction that participates in the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grants (ESG) programs offered by the U.S. Department of Housing and Urban Development (HUD).

### **Jurisdictions Participating in the Urban County:**

- City of Arroyo Grande
- City of Atascadero
- City of Paso Robles
- City of Pismo Beach
- City of Morro Bay
- City of San Luis Obispo
- County of San Luis Obispo

The Urban County of San Luis Obispo must provide a Citizen Participation Plan prior to the allocation and expenditure of HUD Program funds, to provide strategies for community participation in the Planning processes. Because the definition of “citizen” does not include all community members, the County shall refer to the Citizen Participation Plan as a Community Participation Plan (CPP). The CPP provides policies and procedures for public participation as it relates to the use and administration of grant funds. The CPP also guides the development of the following plans.

### **Required plans and reports:**

- Community Participation Plan (CPP)
- Consolidated/Action Plan<sup>1</sup>
- Assessment of Fair Housing (AFH)<sup>2</sup>
- Consolidated Annual Performance and Evaluation Report (CAPER)

The remaining sections of this document provide a detailed description of each plan and/or report, and their respective requirements.

## Lead Agency & Participating Jurisdictions

As mentioned in the introduction, the Urban County is a coalition of local agencies including the County of San Luis Obispo and the cities of Arroyo Grande, Atascadero, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo. Each of these jurisdictions receives an allocation of grant funds based upon an agreed upon formula. The respective city councils of participating jurisdictions determine how to distribute grant funding to local community development projects that provide a

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<sup>1</sup> The specific statutory requirement is implemented through 24 CFR 91.105 which describes the standards for local government citizen participation plans applicable to the formula grant programs.

<sup>2</sup> AFH is an analysis undertaken pursuant to 24 CFR § 5.154 requiring consultation and community participation in the analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals.

variety of public services, public facilities, housing related projects, and other qualified programs to benefit residents. Each partnering jurisdiction within the Urban County is included in the development of the Consolidated Plan, Action Plan, and the AFH.

As the lead agency of the Urban County, the County is responsible for administering all the grants, completing the annual CAPER, interfacing with HUD, and submitting all plans and performance reports to HUD, while ensuring that all federal regulations and requirements are met.

## **Section I – Community Participation Plan**

### **Purpose**

The primary purpose of the CPP is to encourage residents to participate in the development of the Consolidated Plan, Action Plans, CAPERs, and the AFH, or any substantial amendments to the plans and performance reports<sup>3</sup>.

The purposes of the CPP are to:

1. Solicit and consider public input when the Urban County’s Consolidated Plan, Action Plans, and AFH are being prepared, amended, or reported on;
2. Provide procedures and guidelines for gaining public input, particularly by persons of low and moderate income to whom federal funds are primarily targeted;
3. Obtain community ideas and opinions regarding the need for affordable housing, economic development, public services, and facilities; and
4. Consult with other public and private agencies including providers of assisted housing, health services, and social and fair housing services during preparation of the Consolidated Plan.

As the lead agency, the County shall make a concerted effort to ensure all residents are provided the opportunity to participate in the planning procedures, including

- a. Very low, low, and moderate-income<sup>4</sup> residents;
- b. Persons living in areas where CDBG, HOME, and ESG funds are proposed to be used;
- c. Residents of publicly assisted housing (operated by a public housing authority (PHA));
- d. Minorities;

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<sup>3</sup> 24 CFR 91.105 (a)(2)

<sup>4</sup> According to HUD 24 CFR, Part 91.5, “low income” is defined as not exceeding 50 percent of the median family income for the area and “moderate income” is defined as not exceeding 80 percent of the median family income for the area;

- e. Non-English-speaking individuals (The Language Assistance Plan contains procedures for assessing the County's language needs and identifies any need for translation of notices and other vital documents); and
- f. Persons with disabilities (per County's Section 504 Policy and Grievance Procedure)

The CPP explains how the County will encourage and facilitate the participation of community members in the Consolidated Plan, Action Plan, and AFH processes.

## **Process**

Residents will be provided the opportunity to comment on the Draft CPP during a public comment period, 15 days prior to the appropriate Board of Supervisors Hearing. Notice of the Draft CPP and the hearing notice will be published in at least one newspaper of local circulation, and can be viewed in the Tribune. Residents may access copies of the CPP at the County's Planning and Building Department. Comments on the Draft CPP can be sent to the Action Plan Program Manager.

Upon request, alternative forms of the Plan will be available to any person with disabilities or translated for non-English speaking residents. Such requests must identify specific portions of the CPP to be translated or provided in alternative forms.

The draft CPP will be adopted upon a majority vote of the San Luis Obispo County Board of Supervisors. The final CPP will include a summary of comments and views of residents received in writing during the public review period or orally at the public hearing.

## **Amendments**

The CPP is not required to be updated regularly; however, the Urban County will review it along with the preparation of the Consolidated Plan or Action Plans to ensure its effectiveness and continued appropriateness. Should a change to the adopted CPP be proposed, the County will prepare and present the amendment to the CPP at a Board of Supervisors hearing. Residents will be notified of the amendment and hearing at least 15 days prior to the hearing date, in a newspaper of local circulation.

*Note* - In the event that jurisdictions are added to or removed from the Urban County during the term of the effective Consolidated Plan, the CPP will automatically be amended to reflect the actual participating units of local government and add or delete the newspapers of general circulation serving those jurisdictions at the same time that the Consolidated Plan is amended to reflect the participation status of the jurisdictions without separate notice or action by the Board of Supervisors.

## Other Requirements

### **1. Consultation** (24 CFR 91.100 & 91.105(a)(2), 24 CFR 5.158)

As the lead agency for the Urban County, the County will consult with other public and private agencies that provide assisted housing, health services, and social and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons), broadband internet service providers, organizations engaged in narrowing the digital divide, agencies responsible for managing flood prone areas, public land or water resources, and emergency management agencies during preparation of the Consolidated Plan, Action Plans, and the AFH.

These stakeholder groups and agencies will be contacted to ensure consideration of their public housing needs, planned programs and activities, and the participation of residents of public and assisted housing developments.<sup>5</sup> The County shall make an effort to provide information to the Public Housing Authority (PHA) about the Consolidated Plan and AFH so that the PHA can make this information available at the annual public hearing required for the PHA Plan.

Including the respective city councils, the County will encourage the participation of other local and regional institutions, Continuums of Care and organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) in the process of developing and implementing the Consolidated Plan and the AFH,<sup>6</sup> and shall consult with adjacent units of general local government, including local government agencies with metropolitan-wide planning responsibilities (i.e., San Luis Obispo Council of Governments), particularly for problems and solutions that go beyond a single jurisdiction.

#### **a. Homeless Strategy** (24 CFR 91.100(a)(2))

When preparing the portions of the Consolidated Plan describing the jurisdiction's homeless strategy and the resources available to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons at risk of homelessness, the jurisdiction must consult with:

- a. The Homeless Services Oversight Council (HSOC) as the governing body of the Continuum of Care;
- b. Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families; homeless individuals and families, including homeless veterans; youth; and/or other persons with special needs;

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<sup>5</sup> 24 CFR 91.100(c)

<sup>6</sup> 24 CFR 91.105(a)(2)(ii)

- c. Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and
- d. Business and civic leaders.

**b. Emergency Solutions Grant** (24 CFR 91.100(d))

Regarding the ESG grant, the County will consult with the Continuum of Care in determining how to allocate its ESG funds for eligible activities, developing performance standards and evaluating the outcomes of projects and activities assisted by ESG funds, and in developing funding, policies, and procedures for the operation and administration of the HMIS.

**2. Public Access to Documents** (24 CFR91.105(g)(h))

According to 24 CFR 91.105(g), the current adopted Consolidated Plan, any substantial Consolidated Plan amendments, the HUD accepted AFH, revisions to the AFH, and the performance reports must be made available to the public, including versions of the materials accessible to persons with disabilities, upon request.

The County will maintain a **public information library** at the County Department of Planning and Building, located at 976 Osos St, Room 300, in San Luis Obispo, CA, which will be available to the public during normal working hours. Additionally, copies of the documents are/shall be made available on the Planning Department's website <http://www.slocounty.ca.gov/Departments/Planning-Building/Housing>, and a reasonable number of free hard copies in the Department of Planning and Building if requested will be provided. Department staff will be designated to respond to public inquiries about grant programs.

The library will contain:

- Program related law, regulations, and other information
- Consolidated Plan
- Action Plans
- AFH
- CAPER
- CPP

Upon request, the County will provide reasonable and timely access to the information and records related to the above documents. Such data will be retained for up to five years.

In addition, **information about specific projects** is available through the County Department of Planning and Building and each City participating in the program.

**3. Public Notices, Meetings, & Hearings** (24 CFR 91.105(f), 24 CFR 91.105(a)(3))

The County must provide residents of the community with reasonable and timely

access to local meetings, consistent with accessibility and reasonable accommodation requirements, and reasonable notice and opportunity to comment on the preparation of and/or substantial amendments to the consolidated plan, action plans, performance reports, and the AFH. Translation services may be provided to the extent feasible with at least 3 days advanced notice before meetings, or hearings. Translated notices will be advertised to the extent feasible.

**Notice of public meetings, public hearings, and notification of comment periods will be provided through the following methods:**

- a. *Email campaigns:* Important information will be emailed directly to subscribed recipients announcing the purpose, time, date and place of any public hearings, workshops and meetings. To subscribe to our email campaign list please send an email message to [actionplan@co.slo.ca.us](mailto:actionplan@co.slo.ca.us) and request to be added.
- b. *Meeting Notices:* All public hearings shall be advertised through written notices published in newspapers of general circulation at least 15 days prior to hearings held by the County and incorporated cities. When appropriate, press releases and meeting notices will be emailed directly to interested persons, or groups, who request to be placed on the County's emailing campaign list. Applicants for CDBG, HOME or ESG programs will also receive written notice.
- c. *Meeting Time & Location:* The public hearings, workshops and meetings shall be held at times convenient for the public and the beneficiaries of the consolidated plan, action plans and the AFH. The public hearings and workshops shall be held in locations that are accessible to physically disabled individuals (in conformance with Section 504 of the Rehabilitation Act of 1973, 24 CFR Part 8, and the Americans with Disabilities Act).

**4. Staff Availability & Assistance**

*Staff Availability* - County Planning staff will meet with representative groups of low and moderate-income persons upon request to explain the grant programs, rules, and procedures.

*Assistance* (24 CFR 91.105(i)) - Technical Assistance will be provided upon request to groups representing persons of low or moderate-income<sup>7</sup>. This assistance is to help in the development of proposals for funding under various programs. Such assistance will include providing guidance about the amount of funds available; activities eligible for funding through grant programs; risk assessment factors used to select projects for funding; income requirements that may apply to grant programs; time-frames and deadlines for applications and funding; potential availability of alternative funding and the need for matching funds; referrals to other appropriate funding agencies; reporting requirements for grant programs; and federal laws that may apply to a project.

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<sup>7</sup> 24 CFR 91.105 (i)

**5. Public Comments (24 CFR 91.105(b)(5))**

The County and participating cities will consider any comments, views or complaints from community members received in writing, or orally at the public workshops, hearings, or in outreach surveys, in preparing the final Consolidated Plan, Action Plans, amendments to the Plans, CAPER, the AFH and revisions to the AFH. The Action Plan Program Manager is designated to collect any comments, views or complaints. A summary of comments or complaints, and a summary of any comments or views not accepted, and the reason thereof, shall be attached to the Final Consolidated Plan, Action Plans, amendments to the Plans, CAPER, and to the AFH and revisions to the AFH, as they are appropriate.

Action Plan Program Manager  
County of San Luis Obispo Department of Planning and Building  
976 Osos Street, Room 200, San Luis Obispo, CA 93408  
(805) 781-5600, Public Hours: 8:00 am – 5:00 pm  
www.sloplanning.org - email actionplan@co.slo.ca.us

Public Comment Period	
Consolidated/Action Plans	30 Days
AFH	30 Days
CAPER	15 Days
Substantial Amendments/Revisions	30 Days
CPP	30 Days

**6. Complaints (24 CFR 91.105(j))**

*Response to Complaints* - The Department of Planning and Building will respond in writing within 15 working days where practical to written complaints and grievances related to the HUD funded programs. Planning and Building will ensure that community members with complaints or grievances regarding the Consolidated Plan, Action Plans, amendment procedure, performance reports, and the AFH and revisions to the AFH, all receive an adequate response to their written complaints.

*Adequate Information* - The County shall notice and publish electronically, together with an invitation for project proposals, information concerning the amount of CDBG, HOME, and ESG funds expected to be available for housing & community development activities, and the range of activities that may be undertaken with those funds.

**7. Anti-Displacement (24 CFR 91.105(b)(1)(ii))**

The County has in place a Residential Antidisplacement and Relocation Assistance Plan (RARAP) as required under Section 104 (d) of the Housing and Community Development Act of 1974, which pertains to any funded project by CDBG, HOME and

other HUD funding programs. Any HUD funded project or activity that may displace individuals, households or businesses, even temporarily, shall comply with the County's Relocation Plans and Relocation Procedures Manual.

## Section II Consolidated/Action Plans

The Consolidated Plan is a five-year strategic planning document for the Urban County of San Luis Obispo that identifies housing and community development needs, priorities, and goals. The Consolidated Plan also incorporates Action Plans for each year covered within the five-year term that are adopted annually. The Action Plans address the goals and priorities of the Consolidated Plan by distributing grant funds to local programs and projects. Both the Consolidated Plan and Action Plan follow a similar development and adoption process, with the exceptions that Consolidated Plans are updated once every five years and applications are requested for the Action Plans. The flow chart below shows an outline of the Consolidated Plan and Action Plan process.

### Consolidated Plan or Action Plan Preparation

<p><b>Annual Performance Report (CAPER)</b> Summarized progress of previously funded projects. Published for 15-day public review period.</p>	<p><b>August – September</b> <i>(Due 90 days after the program year ends)</i></p>
<p><b>Needs workshops</b> Provide information about available federal funding, eligible types of projects and discuss community needs.</p>	<p><b>August – October</b></p>
<p><b>Request for grant applications (Action Plan)</b> Prepare and release request applications and receive project/program proposals.</p>	<p><b>August – October</b></p>
<p><b>Initial City and County needs hearings</b> Hearings held by City Councils and the Board of Supervisors to discuss available funds, eligible projects, and community needs.</p>	<p><b>October – November</b></p>
<p><b>Prepare draft of the Consolidated Plan and/or the Action Plan</b> Prepare and release draft plan; 30-day public review period.</p>	<p><b>December – February</b></p>
<p><b>Additional workshops</b></p>	<p><b>January – February</b></p>

Explain draft plan and invite public comments	
<b>Final plan approvals</b> Conduct hearing of each City Council and Board of Supervisors for approval of recommendations and plan. Incorporate comments.	<b>February - April</b>
<b>Submit to HUD</b>	<b>May</b>

*\*Depending on the applications received, there may be a need for non-profits to apply for Tax Credits in February/March, thus additional steps will be added to the flow chart above for the issuance of reservation letters. Those steps are a 30-day review of reservation letter project(s), a workshop, and Board of Supervisors approval.*

## Process

The Consolidated Plan/Action Plan process typically follows a fiscal year schedule. It begins with a review of the performance report and assessment of the progress made toward Consolidated Plan goals. The CAPER reports the accomplishments recorded annually and is made available to the public in September.

The County will make information on the amount of assistance the Urban County expects to receive and the range of activities to be undertaken, including the estimated amount that will benefit persons of low or moderate income, in the request for grant applications, during the Needs Workshops, Public Needs hearing, and Public review of Draft Action Plan recommendations.<sup>8</sup>

The County will follow the consultation process described above in Section 1 – Other Requirements. The County shall also ensure that the goals identified in the AFH are reflected in the priorities and objectives of the consolidated plan.<sup>9</sup>

A minimum of two public hearings per year are to be held at different stages of the planning process, with at least one hearing held prior to publishing the draft Consolidated Plan and/or Action Plan.<sup>10</sup> This initial hearing is referred to as the Needs Hearing. Before the Needs Hearing occurs, the County will host two public Needs Workshops, one in North County and one in South County. During these workshops, information will be provided to the public about the types of activities that can be funded and an estimate of the amount of funds that may be available. Public comments will be invited regarding housing and community development needs, which could be addressed through the CDBG, HOME or ESG programs. Residents may provide additional comments at the Needs Hearing.

Each City participating in the Urban County is encouraged to contribute to the

<sup>8</sup> 24 CFR 91.105(b)(1)(ii)

<sup>9</sup> 24 CFR 91.100(e)

<sup>10</sup> 24 CFR 91.105(e)

Consolidated Plan and Action Plan processes by conducting their own initial hearing to discuss unmet needs.

An online survey will be released for public input for four to six weeks ahead of the Needs Hearing, the results of which will be considered with other forms of input on the community needs.

The County will host two Draft Plan review workshops, where residents may become informed about the proposed plans and projects to be funded within the Action Plan. Residents can provide feedback and comments during the workshops.

Residents will be provided the opportunity to comment on the draft Consolidated or Action Plan during a public review period, 30 days prior to the Board of Supervisors Adoption Hearing. Notice of the draft Consolidated/Action Plan and the Adoption Hearing will be provided in at least one newspaper of local circulation, and can be reviewed on the county's website. Residents may access copies of the draft plans at the County Department of Planning and Building, located at 976 Osos St, Room 300, in San Luis Obispo, CA, and will be available to the public during normal working hours.

Upon request, alternative forms of the Plan will be available to any person with disabilities or translated for non-English speaking residents. Such requests must identify specific portions of the Plan to be translated or provided in alternative forms.

The draft Consolidated or Action Plan will be adopted upon a majority vote of the San Luis Obispo County Board of Supervisors. The final Plan(s) will include a summary of comments or views of residents received in writing during the public review period or orally at the public hearing.

If the Action Plan is adopted by the Board of Supervisors with funding estimates, the Director can be given the authority resolution to make the pro rata adjustments when the final numbers are released from HUD.

## **Amendments**

When reallocating HUD grant funds from one CDBG or HOME project to another project, or from one ESG activity to another ESG activity, the County will amend the Consolidated Plan and Action Plans. Depending on the nature of the proposed changes, amendments are categorized as Major, Minor, or Administrative Amendments. It should be noted that HUD defines projects in the CDBG and HOME programs similar to the way that HUD defines activities in the ESG program. The following describes the process for each type of amendment.

*Note* - Alternative Back-up Projects: The Urban County may include a list of back-up projects in the Action Plan. Should funding become available, the back-up projects will be activated. Approval of the Action Plan by the Board of Supervisors and by HUD will be considered as approval for the back-up projects. The County may activate

these back-up projects at any time when funding becomes available but the criteria below will be used to determine what level amendment is needed. The Board resolution approving the Action Plan will authorize the Planning and Building Department Director to approve funding the back-up projects, as necessary. Activating the back-up projects does not constitute adding a new project or activity to the Action Plan.

### **Major Amendment**

A major amendment is required for substantial changes, including the following scenarios:

- a. Reallocating more than \$50,000 of funds from:
  - One CDBG or HOME project to another project
  - One ESG activity to another ESG activity
  - Program income generated from the CDBG, HOME, or ESG funds
- b. Cancelling an existing project that is not a “public service” or an “administrative” project;
- c. Adding a new CDBG or HOME project or a new ESG activity. A project or activity is defined as “new” when this project has not been previously referenced in a Consolidated Plan or an Action Plan;
- d. Changing goals or policies of the Consolidated Plan or the Action Plans, due to public request; and
- e. Substantially changing the purpose, scope, service level, location, or beneficiaries of an approved CDBG or HOME project or ESG activity.

### **Process for Major Amendments**

- a. One public hearing will be held;
- b. A 15-day public notice of the date, time, and place of the public hearing will be made available to the public; and
- c. The proposed changes to the Consolidated Plan or an Action Plan will be published for a 30-day review period in at least one newspaper of general circulation to allow the public to determine if they are affected and desire to comment on the proposed changes.

### **City Initiated Reallocation**

This type of amendment can be requested when a city needs to reallocate funds from exiting project(s) to similar existing project(s). To be eligible for this amendment, no projects are created or deleted. A city initiated reallocation is required for changes, including the following scenarios:

- a. Reallocating more than \$50,000 of funds from a CDBG project or projects to another existing project or projects

### **Process for City Initiated Reallocation**

- a. City will confer with County staff on proposed change;
- b. One City Council meeting will be held obtaining approval;
- c. Send documentation to County staff confirming City Council approval; and
- d. County Planning Director can approve the amendment.

### **Administrative Amendment**

An administrative amendment includes the following scenarios of \$50,000 or less:

- a. Reallocation of \$50,000 or less in funds for a CDBG, HOME or ESG projects which does not result in the creation or the cancellation of a new or existing CDBG or HOME project or ESG activity;
- b. Allocation of HOME Tenant Based Rental Assistance ("TBRA") program income back into the HOME TBRA program; or
- c. Reallocation of previously approved funding for administrative or public services to a non-administrative or public service need, after the initial finding year, provided the reallocation does not exceed subsequent program year maximums of 20% for administrative costs and 15% for public services.

### **Process for Administrative Amendments**

If City initiated, the City will:

- a. Confer with County staff on proposed change;
- b. Provide a letter from the City Manager identifying the proposed request; and
- c. Receive a letter from the County Planning Director approving or denying the amendment.

If County initiated, the County will:

- d. Confer with management on proposed change; and
- e. Develop a memo for the file that is signed by the County Planning Director.

## **Section III – Assessment of Fair Housing (AFH)**

The regulations set forth by 24 CFR 5 describe Affirmatively Furthering Fair Housing (AFFH) as taking meaningful actions to overcome historic patterns of discrimination, promote fair housing choice, and foster inclusive communities that are free from discrimination (24 CFR 5.150). The AFFH rule requires an analysis of fair housing conditions within the Urban County, known as the AFH. The AFH, which replaces the previous Analysis of Impediments to Fair Housing (AI), is a tool that assists the Urban County with identifying fair housing issues and related contributing factors in order to create comprehensive community development goals that will affirmatively further

fair housing.

Prior to the development of the AFH or any substantial amendment or revision to the AFH, one public hearing shall be held with at least 15 days’ notice. The public shall be provided a minimum of 30 days to review the proposed AFH and provide comments before the County submits the AFH to HUD for approval. Public comments shall be attached to the AFH.

In addition, all activities and programs related to housing and urban development that are funded by grant programs are subject to HUD’s AFFH rule.

### AFH Plan Preparation

<p><b>Consultation &amp; Posting of Available Data</b> Initiate consultation process described in Section 1 – Other Requirements. Post HUD’s AFH Tool on County’s website.</p>	<p><b>Dates are flexible</b></p>
<p><b>Fair Housing Workshops</b> Provide information about the purpose and preparation of the AFH, and gather public input on fair housing concerns, options and solutions</p>	<p><b>Dates are flexible</b></p>
<p><b>Prepare draft of the AFH</b> Prepare and publish the draft (proposed) AFH.</p>	<p><b>Dates are flexible</b></p>
<p><b>Fair Housing Hearing</b> Hold an advertised hearing with Board of Supervisors to discuss fair housing matters and the draft AFH. Hearing starts a 30-day public comment period.</p>	<p><b>Dates are flexible</b></p>
<p><b>Prepare final AFH</b> Incorporate public comments.</p>	<p><b>Dates are flexible</b></p>
<p><b>Submit to HUD</b></p>	<p><b>Date TBD</b></p>

### Process

The County will begin the preparation of the AFH with the following steps:

- Initiate the consultation process described in Section 1 – Other Requirements.
- Make available to the public any HUD-Provided data (i.e., AFH Tool) and any other information or materials the County plans to incorporate into its AFH.

This data shall be posted on the County's website. HUD data can be cross-referenced by providing links to HUD's fair housing website(s).

The County shall gather input through the consultation process and Fair Housing Workshops, and will use the HUD data provided by AFH Tool. A draft (proposed) AFH shall be prepared and published. Provide a public notice describing both the Fair Housing Hearing and the availability of the draft (proposed) AFH. This combined notice shall include:

- An advertised notice as described in Section 1 – Other Requirements – Public Notices, Meetings and Hearings. Copies of the notice shall be sent to stakeholders and interested agencies.
- A summary of the draft AFH that describes the content and purpose of the AFH and a list of the locations where copies of the draft AFH can be found.
- Post the draft AFH on the County website. Make copies available (for free) at the County offices, and to residents and agencies that request a copy.

An advertised Fair Housing Hearing shall be held by the Board of Supervisors. Fair housing matters and the draft AFH shall be considered. This hearing marks the beginning of the 30-day comment period.

Any comments or views of agencies and residents that have been received in writing or orally, either at the public hearing or during the 30-day comment period, shall be considered during the development of the final AFH. At the end of the 30-day comment period a summary of the comments shall be prepared. This summary will be attached to the final AFH. This summary shall include comments of support, along with comments or views not accepted and reasons why.<sup>11</sup>

A final AFH shall be prepared and submitted to HUD. It shall be posted on the County website and made available to the public as described in Section 1 – Public Access to Documents.

Upon request, alternative forms of the AFH will be available to any person with disabilities or translated for non-English speaking residents. Such requests must identify specific portions of the AFH to be translated or provided in alternative forms.

## **Revisions of the AFH**

### **Minimum Criteria for Revisions**

An AFH previously accepted by HUD must be revised and submitted to HUD for review under the following circumstances:

- a. A material change, which consists of a change in circumstances within the County, occurs to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual

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<sup>11</sup> 24 CFR 91.105(b)(5)

- circumstances;
- b. Significant demographic changes;
- c. New significant contributing factors in the County;
- d. Civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders; and/or
- e. Upon HUD's written notification specifying a material change that requires the revision.

### **Revised AFH**

A revision shall consist of preparing and submitting amended analyses, assessments, priorities, and goals that take into account the material change, including any new fair housing issues and contributing factors that may arise as a result of the material change.

- a. A revision may not necessarily require the submission of an entirely new AFH; and
- b. The revision need only focus on the material change and appropriate adjustments to the analyses, assessments, priorities, or goals.

### **Timeframe for Revision**

Where a revision is required it shall be submitted within 12 months of the onset of the material change, or at such later date as HUD may provide.

- a. Where the material change is the result of a presidentially declared disaster, such time shall be automatically extended to the date that is 2 years after the date upon which the disaster declaration is made, and HUD may extend such deadline, upon request, for good cause shown;
- b. The revision need only focus on the material change and appropriate adjustments to the analyses, assessments, priorities, or goals; and
- c. A public hearing is not required for AFH revisions.

### **AFH Revision Not Required**

If HUD provides the County a written notification indicating that a revision to the AFH is needed, then on or before 30 calendar days following the date of HUD's written notification, the County may advise HUD in writing of its belief that a revision to the AFH is not required.

*Note* - Upon any revision to the AFH pursuant to 24 CFR 5.150 through 5.180, PHAs must revise their PHA Plan within 12 months, consistent with the AFH revision, and pursuant to 24 CFR 903.15(c).

## Section IV – CAPER & Performance Reviews

Accomplishments and progress toward the Consolidated Plan goals are reported by the Urban County in the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER is an annual report which identifies the County's annual accomplishments through the Action Plans toward meeting the priorities and goals of the Consolidated Plan.

### Process

The CAPER must be completed 90 days after a grant program year ends, typically by the end of September.

The public will be notified of the draft CAPER, in a locally circulated newspaper, and on the County website. A period of no less than 15 days will be given for public comment prior to its submission to HUD.<sup>12</sup> The County will consider all comments or views of residents presented in writing or phone calls, and a summary of comments will be attached to the final CAPER.<sup>13</sup>

No public hearings are required for the CAPER. Results in the CAPER will be available to the public upon request.

### Amendments

Amendments to the CAPER must be submitted to the HUD Field office for review and approval.

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<sup>12</sup> 24 CFR 91.105(d)(1)

<sup>13</sup> 24 CFR 91.105(d)(2)

## **CARES Act Amendment**

### **Purpose**

The County of San Luis Obispo will receive additional Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) funding from the U.S. Department of Housing and Urban Development (HUD) through The Coronavirus Aid, Relief and Economic Security Act (CARES Act). The CARES Act funding is commonly known as CDBG-CV and ESG-CV. The CARES Act provides flexibilities for Entitlement Communities to make it easier to use CDBG-CV and ESG-CV during Program Year 2019. The CARES Act authorizes HUD to grant waivers and alternative requirements. This amendment to the Community Participation Plan addresses flexibilities in requirements for public participation and public hearings for CDBG-CV and ESG-CV funding.

### **Community Participation**

The published comment period pertaining to amendments to the Community Participation Plan, Consolidated Plan, Annual Action Plan(s), and Substantial Amendment(s), as they relate to CDBG-CV and ESG-CV, shall be a minimum of 5 days. During this time, the public will have an opportunity to submit comments orally, in writing, or via electronic methods, as directed in the notice. Comment periods for more than one of the above documents may run concurrently.

### **Public Hearings**

Virtual public hearings are allowed under the following circumstances:

- National/local health authorities recommend social distancing and limited public gatherings for public health reasons;
- Virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all questions and issues, and public access to all questions and responses.

A formal notice of the public hearing will be published in at least one local newspaper with general circulation and/or in the County of San Luis Obispo website and social media, as no less than five days prior to the hearing. The notice will also be sent to known stakeholder groups, partner organizations and interested members of the public further publicize via linkage to their respective websites, newsletters, and social media.

### **Executive Orders and Federal Amendments**

In event of a local, state, and national natural disaster, existing and new Federal

funding may be allocated or re-allocated in an expedited timeframe. To streamline the allocation process and reduce delays in accessing grant funds following an Executive Order or HUD notices, waivers, award letters or other Federal direction, guidance, and communication. To achieve this minimum community participation requirement, it will be applied per Executive Order(s) and Federal (HUD) notices, waivers, award letters or other Federal communications to the Consolidated Plan and/or substantially amended Action Plan(s).

## **Disaster/Emergency Events that May Require Expedited Major Amendments**

It may be necessary to amend the Consolidated Plan in the event of a declared disaster or emergency. There are three (3) types of disasters/emergency events that may necessitate an expedited substantial amendment including (1) Man-made disasters, (2) Natural disasters, and (3) Terrorism. Man-made disasters can include chemical spills, power outages, dam failure, plant explosion, etc. Natural disasters can include flooding, earthquakes, wildfires, and public health issues. Terrorism events include bomb threats, biochemical attacks like the spread of anthrax, or cyber-attacks like hacking, phishing, and virus distribution.

These expedited amendments may include funding new activities and/or the reprogramming of funds including canceling activities to meet community development needs resulting from a declared disaster or emergency. Therefore, the County of San Luis Obispo may utilize CDBG, HOME and ESG funds to meet these needs with a 5-day public comment period instead of a 30-day public comment period, which is otherwise required for major amendments.

With respect to a declared disaster, the County of San Luis Obispo may elect to use CDBG funds to address needs not provided by the Federal Emergency Management Agency (FEMA) and the Small Business Administration (SBA), or other disaster relief efforts. Funding for disaster relief may not duplicate other efforts undertaken by federal or local sources unless allowed by the federal government. Potential eligible uses of funds are those that are included in this Community Participation Plan, the Consolidated Plan, or any other CDBG eligible use. HUD may provide new guidance on eligible uses in which the County will comply and may utilize as well.

All eligible CDBG activities, including those to address declared disasters or emergencies, must meet one of three (3) national objectives which are: (1) Benefit to low- and moderate-income (LMI) persons; (2) Aid in the prevention of slums or blight; and (3) Meet a need having a particular urgency. The County may carry out eligible CDBG activities to meet needs resulting from declared disasters or emergencies under any one of the three (3) national objectives.

In the event that the County is closed to the public, or has declared an emergency, or for as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reason, virtual public meetings and hearings may be used to fulfill applicable public hearing requirements instead of in-person. Real-time responses and accommodations for persons with disabilities and/or limited English proficiency will be made available to the greatest extent possible.

Urgent Need Objective: To comply with the national objective of meeting community development needs having a particular urgency, an activity will alleviate existing conditions that the County certifies:

- Pose a serious and immediate threat to the health and welfare of the community;
- Are of recent origin or recently became urgent;
- The County is unable to finance the activity on their own; and
- Other resources of funding are not available to carry out the activity.

A condition will generally be of recent origin if it developed or became critical within eighteen (18) months preceding the County's certification.

If HUD allows, such as through a waiver, activities under the urgent need national objectives to be funded without the requirements that the County is unable to finance the activity on its own and other resources of funding are not available to carry out the activity, the County will only certify that the activity poses a serious and immediate threat to the health and welfare of the community and is of recent origin or recently became urgent.

Urgent need activities may include, but not limited to, the following:

- Clearance of debris;
- Provision of extra security patrols;
- Demolition, clearance and/or reconstruction of damaged property posing an immediate threat to public safety;
- Emergency reconstruction of essential water, sewer, electrical, medical, and telephone facilities;
- Emergency repair of streets and sidewalks; and
- Providing a variety of relief services to individuals