

Commerce City Citizen Participation Plan
Substantial Amendment
Commerce City, Colorado

Originally Adopted August 1, 2016
As Amended

Amended by:
City of Commerce City
7887 E 60th Avenue
Commerce City, CO 80022

CITIZEN PARTICIPATION PLAN

Originally Adopted
August 1, 2016

Prepared for the
City of Commerce City
Community Development Department
7887 E 60th Avenue
Commerce City, CO 80022

Prepared by
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Introduction

In 2016, the City of Commerce City became entitled to receive annual grant funding from the federal Community Development Block Grant (CDBG) program. As an entitlement jurisdiction, the City receives CDBG funding directly from Housing and Urban Development (HUD) and administers the grant, including ensuring the funds are used according to the Code of Federal Regulations (CFR), associated plans, and federal memorandums. The City also ensures reports and certifications are completed on time and accurately.

Each entitlement jurisdiction must complete a Consolidated Plan at least once every five years (24 CFR § 91.15). The Consolidated Plan is a strategic plan to examine the housing and community development needs of a jurisdiction, set priorities for HUD grant monies, and establish an action plan for meeting current and future needs. Each Consolidated Plan is also required to have a strategy for citizen participation in the Consolidated Planning process (24 CFR Part 91.105). Commerce City's current Consolidated Plan covers the program years 2021-2025.

HUD requires entitlement jurisdictions to submit an Annual Action Plan (AAP) by August of each year to receive the CDBG funding (24 CFR § 91.15). The Annual Action Plan serves in part, as the City's application to HUD for the following year's CDBG funding. The AAP includes:

1. Projects the City desires to fund;
2. Funding amounts for each project;
3. Tasks and objectives to accomplish during the program year;
4. The public participation process accomplishments;
5. How other resources will be leveraged; and
6. How the City plans to address barriers to affordable housing, fair housing, and homelessness.

The City's CDBG program year begins October 1 and ends September 30. At the end of each CDBG program year, the City will produce a Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER reviews the progress the City has made in carrying out the priorities in the Consolidated Plan and the 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 City's program year.

It is the policy of the City to ensure the meaningful participation of its citizens in the development of any Consolidated Plan, AAP, CAPER, and any Substantial Amendment to a plan, with particular emphasis on participation by low- and moderate-income residents and neighborhoods. The facilitation of a citizen participation process that is accessible to all residents regardless of minority status, disability, or English fluency is essential.

The purpose of the Citizen Participation Plan (CPP) is to set forth the policies and procedures by which the City will encourage citizens to participate in the development of each year's AAP and every fifth year a new Consolidated Plan. The City will follow its CPP, as long as the requirements for citizen participation do not restrict the responsibility or authority of the City to develop and execute its Consolidated Plan.

The following CPP provides a framework and process by which the City's consolidated planning efforts comply with the citizen participation requirements published by HUD. This CPP is prepared and implemented in accordance with the guidance provided in HUD Regulations at 24 CFR Part 91.105.

In response to the 2019 coronavirus pandemic, President Trump declared a national emergency on March 13, 2020, under both the Stafford Act and the National Emergencies Act. On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law to assist the nation to prevent, prepare for and respond to the coronavirus pandemic (COVID-19). The CARES Act made available additional funding and regulation flexibility to entitlement jurisdictions through the CDBG Coronavirus (CDBG-CV) funds and relaxed regulations to expedite the use and administration of the 2019 and 2020 Annual Action Plans. Specific details are explained in HUD's Availability of Waivers memorandum issued on April 1, 2020.

HUD has waived 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.401 to allow the City to determine what constitutes reasonable notice and opportunity to comment given the circumstances related to COVID-19. The City may use alternative methods for public participation and will allow for reasonable notification and access for citizens. A Substantial Amendment to the City's CPP was required to meet federal requirements to fully utilize the COVID-19 response funding and flexibilities. Therefore, on June 15, 2020, the City substantially amended its CPP in accordance with HUD regulations. This amendment applies to the 2019 Annual Action Plan, 2019 Consolidated Annual Performance Evaluation Report (CAPER), 2020 Annual Action Plan and any amendments.

1. Encouragement of Citizen Participation

It is the policy of the City to encourage and facilitate the full and meaningful participation of residents, service providers, government agencies, and other stakeholders in the development of all HUD required consolidated planning documents, including the Five-Year Consolidated Plan, Annual Action Plans, Substantial Amendments, and the annual CAPER.

The primary purpose of citizen participation will be in need identification, priority setting, program recommendations, and funding allocations related to the consolidated planning process. The City shall provide for and encourage citizen participation with particular emphasis on:

- Low and moderate-income persons, particularly those living in areas where CDBG funds are proposed to be used;
- Residents of predominantly low- and moderate-income neighborhoods;
- Minorities;
- People with Limited English Proficiency;
- People with Disabilities;
- Residents of public and other assisted housing developments; and
- Local and regional institutions, the regional Continuum of Care and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, community, and faith-based organizations).

Commerce City is committed to keeping all interested groups and individuals informed of each phase of the Consolidated Plan and AAP processes, plus the activities undertaken with CDBG funds. Opportunities to comment on or participate in planning, community development, and affordable housing activities and projects will be publicized as disseminated throughout Commerce City using a variety of media.

2. Public Hearings

Commerce City, per 24 CRF 91.105, shall conduct at least two Public Hearings each year. The Public Hearings will be held prior to adoption by the City Council of a Consolidated Plan/Annual Action Plan, CAPER, and/or any Substantial Amendments as defined in Section 6. Together, the hearings must address housing and community development needs, development of proposed activities, proposed strategies and actions for affirmatively furthering fair housing, and a review of program performance. A Public Hearing is defined as:

A formal opportunity for a governing body or other entity to receive public opinion on proposed plans, substantial plan amendments, and evaluation reports that may require formal action.

This information presented at Public Hearings will be contained in the text of the Consolidated Plans/AAP, CAPER, and/or any Substantial Amendments to be presented to the City Council. The purpose of these hearings is to communicate information regarding the CDBG projects, obtain feedback, and to review the CDBG program performance during the past program year. These meetings will, if applicable, include the proposed use of CDBG funds.

The first required Public Hearing will review the proposed AAP and, every fifth year, a new Consolidated Plan. The second required Public Hearing will be held prior to the CAPER submission to City Council.

Public Hearings shall also provide the information below before the City adopts a plan:

1. The amount of CDBG funds the City expects to receive (including estimated grant funds plus any program income);
2. The range of activities that may be undertaken
3. The estimated amount of funding benefitting persons of low- and moderate-income
4. The City's plan to minimize displacement of persons and to assist any person displaced, specifying the types and levels of assistance the City will make available (or require others to make available) to persons displaced, even if no displacement is expected to occur.

3. Public Notices and Outreach

Information about the time, location, and subject of each Public Hearing will be provided to citizens at least one week in advance by:

1. Publication in a local newspaper – the Commerce City Sentinel and/or the Denver Post;
2. Relevant email distribution lists;
3. Publication in the City's monthly bi-lingual newsletter; and
4. Publication on the City's website at www.c3gov.com/CDBG.

Every effort will be made to ensure the Public Hearings are inclusive. Public Hearings will be held at convenient times and locations, and/or virtually to permit broad participation from the community. Public Hearings will be held in locations where people most affected by proposed activities can attend. The City will utilize facilities accessible to persons with disabilities.

If notice is given at least ten days before a Public Hearing date, the City will provide appropriate materials, equipment, and interpretation services to facilitate the participation of non-English speaking people and people with visual and/or hearing impairments. Interpreters will be provided at public meetings where a significant number of non-English speaking residents can be reasonably expected to participate.

To expedite and facilitate the use of CDBG-CV, 2019 AAP and 2020 AAP grant funds to prevent, prepare for and respond to coronavirus, the City will acquire the appropriate waivers from HUD, as needed, to provide a minimum 5-day notice and comment period to examine documents and hold virtual public meetings. Publication in the City's monthly newsletter may be waived. This waiver is in effect until the City acknowledges the Tri-County Health Department's published notice that social distancing measures are no longer required.

During urgent and emergent conditions, the City will do its best to provide appropriate materials, equipment, and interpretation services to facilitate the participation of non-English

speaking people and people with visual and/or hearing impairments with at least a three-day notice.

4. Publication of Proposed Plan Documents

The City will publish proposed Consolidated Plans/AAPs, CAPERs, or Substantial Amendments thereof, in a manner affording citizens, public agencies, and other interested parties a reasonable opportunity to examine their contents and submit comments. The proposed Consolidated Plan shall include:

1. The amount of CDBG funds the City expects to receive (estimated grant funds plus any expected program income);
2. The range of activities that may be undertaken;
3. The estimated amount of grant funding benefiting persons with low- and moderate-incomes.

A description of the content and purpose of the proposed Consolidated Plans/AAPs, CAPERs, or Substantial Amendments thereof, will be published in one or more newspapers of general circulation at the beginning of the required 30-day public comment period and include the locations where copies of the entire proposed document may be obtained or examined. Copies of the proposed document(s) will be made available for inspection at Commerce City's Community Development Department located on the first floor of the Commerce City Civic Center at 7887 E. 60th Avenue, Commerce City, CO 80022.

To expedite and facilitate the use of CDBG-CV, 2019 AAP and 2020 AAP grant funds to prevent, prepare for and respond to coronavirus, the City will acquire the appropriate waiver from HUD to provide a minimum 5-day notice and comment period to examine documents and hold Public Hearings. Additionally, the City will suspend the physical posting of proposed documents for review at public buildings until the Tri-County Health Department and the City determine it is safe for public buildings to reopen.

Citizens and groups may obtain a reasonable number of free copies of the proposed Plan by contacting the CDBG Office at (303) 289-8168 or glewis@c3gov.com.

5. Public Comment Period: Consolidated Plan and Annual Action Plan

Commerce City will receive comments from citizens on its proposed Consolidated Plans/AAPs, CAPERs, or Substantial Amendments thereof, for a period not less than 30-days prior to adoption by City Council and submission to HUD. All comments or views of citizens received in

writing or orally at Public Hearings will be considered in preparing the final document(s). A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor shall be attached to the final Plan(s). Oral comments outside of the Public Hearings may not be considered unless they are also provided directly to the CDBG Office via online form completion, email, letter, or other legible written form at one of the following addresses:

Commerce City Community Development Department
Attn: CDBG Office
7887 E 60th Avenue
Commerce City, CO 80022

Or via email to: glewis@c3gov.com

The proposed plan(s) will also be posted on the City's webpage at www.c3gov.com/CDBG . The final version of the documents, as approved by HUD, will be posted on the City's webpage at www.c3gov.com/CDBG .

To expedite and facilitate the use of CDBG-CV, 2019 AAP and 2020 AAP grant funds to prevent, prepare for and respond to coronavirus, the City will acquire the appropriate waiver from HUD to provide a minimum 5-day notice and comment period to examine documents and hold public meetings. Additionally, the City will acquire the appropriate waiver to suspend the physical post the proposed documents for review at public buildings. All proposed documents will continue to be posted online.

6. Amending the Consolidated Plan, Annual Action Plan, & Citizen Participation Plan

Consolidated Plan and AAP Amendments

From time to time, it may be necessary for the City 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:

1. A change in the allocation priorities presented in the plan;
2. A change in the method of distributing funds;
3. A change in the use of funds to an activity not described in the Annual Action Plan; or
4. 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 the use of the public participation requirements described in Section 7. Comments from the public will be given consideration by City staff before written notice of the Substantial Amendment is sent to HUD.

HUD regulations at 24 CFR Part 91.505 (b) require the City to identify the criteria to be used in determining if a proposed action will be considered a Substantial Amendment. The following four criteria will be used by the City – if any one of the criteria applies, a Substantial Amendment will be required:

1. A change in the use of funds from one eligible activity category to another (e.g. from housing to public services, or 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 differs 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 \$50,000 over the current funded amount.

Administrative Amendments, including those made necessary by a change in HUD regulations, will be considered narrative changes to be approved by the City's Community Development Director. 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 proposed AAP's 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 Commerce City's Community Development Director. These amendments will be noted in the program files.

Citizen Participation Plan Amendments

From time to time, it may be necessary for the City to amend the Citizen Participation Plan. A "Substantial Amendment" to the CPP is defined by Commerce City to be:

1. A change in the definition of a Substantial Amendment for the Consolidated Plan or AAP; or
2. A change in the required public notification periods or public hearings; or
3. A change to the City's policies or procedures regarding citizen participation, to such an extent it can no longer reasonably be construed as meeting the original intent approved by City Council and HUD per 24 CFR Part 91.105.

All other changes to the CPP will be considered Administrative Amendments and will be noted in the program files. Examples of Administrative Amendments may include, but are not limited to:

1. Updates to contact and access information;
2. Updates to the modes and means of outreach utilized;
3. Amended City policies referenced in this Plan;
4. Clarifications of terms used in the document; and
5. Amended federal regulations referenced in the CPP that do not substantially change the information included in the Plan

Disaster/Emergency Conditions

It may be necessary to expedite substantial amendments to the Consolidated Plan in the event of a declared disaster or emergency. To comply with the national objective of meeting community development needs having particular urgency, and the project will alleviate existing conditions which:

1. Pose a serious and immediate threat to the health and welfare of the community;
2. Are of recent origin or recently became urgent (approximately 18 months);
3. Are unable to be financed by the City on its own; and
4. Other funding resources are not available to completely carry out the activity.

In the event the Governor, a public health organization, or the City Manager issue a declaration of disaster or emergency, it may be necessary to suspend the policies and procedures for a limited and defined period of time. It shall be at the discretion of the City Manager or its designee to take said action as necessary to meet urgent community needs. The City Manager or its designee shall rely on the following criteria to make its determination:

1. Pose a serious and immediate threat to the health and welfare of the community;
2. Are of recent origin or recently became urgent (approximately 18 months);
3. Are unable to be financed by the City on its own; and
4. Other funding resources are not available to completely carry out the activity.

In these situations, requirements related to organizational input and the application review process the City will rely on the City Manager's Office and Community Development Director to rank and recommend projects and funding amounts to City Council.

In the event of a declared emergency, it may be necessary to reprogram previously allocated funds to meet urgent community needs. These changes may include funding new activities and/or reprogramming funds for different activities to meet urgent needs.

7. Public Comment Period: Substantial Amendments

Once drafted, Commerce City shall make the text of the proposed Substantial Amendment available for public comment and submit it to the City Council for adoption. Notice and opportunity to comment will be given to citizens through:

1. Publication in a local newspaper – The Commerce City Standard and/or the Denver Post;
2. Publication in the City’s monthly bilingual newsletter; and
3. Publication on the City’s website at www.c3gov.com/CDBG

A public comment period of not less than 30-days will be provided prior to adopting or implementing any Substantial Amendments to the Consolidated Plan, Annual Action Plan, or Citizen Participation Plan. City staff will prepare a summary of all comments received.

To expedite and facilitate the use of CDBG-CV, 2019 AAP and 2020 AAP grant funds to prevent, prepare for and respond to coronavirus, the City will acquire the appropriate waiver from HUD to provide a minimum 5-day notice and comment period to examine documents and hold public meetings. The 5-day minimum period can run concurrently for comments on the 2019 or 2020 AAP amendments and the amended CPP as outlined in “CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response” dated April 9, 2020. This includes any new activities proposed. A public hearing is not required.

8. Public Comment Period: CAPER

An annual performance report is known as the Consolidated Annual Performance and Evaluation Report (CAPER) must be prepared by the City for annual submission to HUD within 90 days of the conclusion of the City’s program year. Commerce City will provide a preliminary draft of the CAPER to the City Council and publish a notice announcing the public shall have no less than 15-days to review and comment on the document. A copy of the CAPER shall be placed for review at Commerce City’s Community Development Department located on the first floor of the Commerce City Civic Center at 7887 E. 60th Avenue, Commerce City, CO 80022, and will be posted to the City’s website at www.c3gov.com/CDBG.

A Public Hearing, as defined in Section 2, shall be held regarding the CAPER. All public comments received orally at the Public Hearing or submitted in writing regarding the CAPER will be considered and a summary of these comments and staff responses shall be attached to the document before it is finalized and submitted to HUD.

A HUD Memorandum dated April 29, 2020, titled *Availability of a Waiver and Alternative Requirement for the Consolidated Annual Performance and Evaluation Report [CAPER] for Community Planning And Development (CPD) Grant Programs in Response to the Spread of Coronavirus* authorizes the City to request a waiver to extend the CAPER submittal date from 90

days to 180 days from the conclusion of the CDBG program year. The City may utilize this, and the public notice and comment waivers, as needed.

9. Accessibility of Public Hearings & Materials

Every effort will be made to ensure the Public Hearings are inclusive and accessible. Public Hearings will be held at convenient times and locations, and/or virtually to permit broad participation from the community. Public Hearings will be held in locations where people most affected by proposed activities can attend. The City will utilize facilities accessible to persons with disabilities.

If notice is given at least 72 hours before a Public Hearing date, the City will provide appropriate materials, equipment, and interpretation services to facilitate the participation of non-English speaking people and people with visual and/or hearing impairments. Interpreters will be provided at public meetings where a significant number of non-English speaking residents can be reasonably expected to participate.

Materials will be made available in a form accessible to persons with disabilities and limited English proficiency upon request. Citizens may contact the CDBG Office at (303) 289-8168 or glewis@c3gov.com to request such services.

10. Access to Records

A reasonable number of free copies of Commerce City's Consolidated Plan, AAP, CAPER, and amendments thereto will be available to citizens and groups upon request. These documents shall be maintained for not less than 5-years at the City's Community Development Department, located at 7887 E. 60th Avenue, and on the City's web site. Materials will also be made available in a form accessible to persons with disabilities and limited English proficiency upon request.

11. Anti-Displacement Plans

The City's policy is to administer the CDBG program without the displacement of households. In the event displacement is unavoidable, the City and/or other responsible parties will comply with the regulations of the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Consistent with the goals and objectives of activities assisted under the Act, Commerce City will take appropriate steps to minimize the direct and indirect displacement of persons from their homes.

12. Technical Assistance to Citizens & Organizations

Commerce City will provide technical assistance to Commerce City residents and agencies, particularly to those of low- and moderate-income. Assistance such as developing CDBG project proposals, compliance requirements, program performance, and funding information as outlined in the current Consolidated Plan will be provided. When necessary, a meeting with an appropriate City staff representative will be arranged for individuals and groups to explain project eligibility, application and approval process, and other implementation requirements.

Commerce City staff may also meet with various organizations and individuals to provide other specific technical assistance related to housing, community development, economic development, and human services programs, as requested.

13. Complaint and Appeal Process

Commerce City shall accept written complaints concerning the Consolidated Plan, Annual Action Plan, Citizen Participation Plan, CAPERs, and amendments thereto, and shall provide a substantive written response to any written citizen complaint within fifteen (15) working days, when practicable. Complaints, comments, and questions should be directed to:

Commerce City Community Development Department
Attn: CDBG Coordinator
7887 E 60th Avenue
Commerce City, CO 80022

Or via email to: glewis@c3gov.com

The complaint must contain the following information:

- Name and address of the person(s) filing the complaint;
- A description of the act or acts considered to be in violation;
- Other available pertinent information that will assist in the review and resolution of the complaint.

Complaints should be filed within thirty (30) days of the release of the related proposed document or public meeting. A written response as to the disposition of the complaint will be

issued by the Community Development Director no later than fifteen (15) working days following receipt of the complaint, when practicable. A person who is dissatisfied with the response, or if the response is delayed more than fifteen (15) working days, may appeal in writing to:

City Manager
City of Commerce City
7887 E 60th Avenue
Commerce City, CO 80022

A written response on the disposition of the complaint will be issued by the City Manager not later than thirty (30) working days following the receipt of the complaint. If the complainant is dissatisfied with the response of the City Manager, he/she may submit the complaint, in writing, to:

United States Department of Housing and Urban Development
Regional Office of Community Planning and Development
1670 Broadway
Denver, CO 80202

No person shall intimidate, threaten, coerce, or discriminate against any person because he/she has made a complaint, testified, assisted, or participated in any matter in an investigation, proceeding, or hearing related to a complaint.

The identity of complainants shall be kept confidential, except to the extent necessary to respond, carry out, or conduct investigations, hearings, or judicial proceedings in any matter in an investigation, proceeding, or hearing related to a complaint.

14. Effective Dates and Amendments

1. Commerce City's original Citizen Participation Plan was adopted by Resolution 2016-80 on August 1, 2016.
2. An Administrative Amendment to this Citizen Participation Plan was made in June of 2017 per Section 6 of this document. This amendment clarifies processes and procedures, definitions, updates on staff changes, and website changes.
3. A Substantial Amendment to utilize federal waivers and flexibilities to respond to the coronavirus pandemic national emergency. Adopted June 15, 2020.
4. A Substantial Amendment was made to remove additional Neighborhood Input Meetings and to change the required advance notice of public hearings to one week. Adopted July, 2022.