



CITIZEN PARTICIPATION PLAN

*U.S. Department of Housing
and Urban Development Grants*

Prepared by:

The City of Irvine
Community Development Department
Neighborhood Services Division
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Citizen Participation Plan

As required by the U.S. Department of Housing and Urban Development (HUD) regulations found at 24 CFR 91.105, this Citizen Participation Plan sets forth the City of Irvine's policies and procedures for providing citizens and other interested parties with opportunities to participate in an advisory role in the planning, implementation, and evaluation of the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships (HOME) programs. The City receives CDBG, ESG, and HOME funds annually from HUD, and these programs are administered through the Neighborhood Services Division of the Community Development Department.

The purpose of the CDBG program is the provision of decent housing, a suitable living environment, and expanded economic opportunities for low- and moderate-income residents earning less than 80 percent of the Area Median Income, or in predominantly low- and moderate-income neighborhoods where at least 51 percent of the households are low and moderate-income households. The purpose of the ESG program is to address homelessness through one or more activities including street outreach, emergency shelter, homelessness prevention assistance, and rapid re-housing assistance. The purpose of the HOME program is to increase the supply of affordable housing for low- and moderate-income households, expand the capacity of nonprofit housing providers, and leverage private sector participation in the provision of affordable housing.

As a recipient of CDBG, ESG, and HOME funds, the City is required to produce the following documents:

1. Analysis of Impediments to Fair Housing Choice (AI) or Assessment of Fair Housing (AFH) – a five-year plan completed by the City individually or as part of a local consortium of other HUD grantees pursuant to HUD guidance for the evaluation of local housing conditions, economics, policies and practices and the extent to which these factors impact the range of housing choices and opportunities available to all residents in an environment free from discrimination.
2. Consolidated Plan – a five-year plan that documents the City of Irvine's housing and community development needs, outlines strategies to address those needs and identifies proposed program accomplishments.
3. Annual Action Plan – an annual plan that describes specific CDBG, ESG, and HOME projects and activities that will be undertaken over the course of the program year, which runs from July 1 to June 30.

4. Consolidated Annual Performance and Evaluation Report (CAPER) – an annual report that evaluates the City’s accomplishments and use of CDBG, ESG, and HOME funds.

The primary objectives of the Citizen Participation Plan are to:

1. Encourage citizen participation by all Irvine residents in the development or amendment of the AI or AFH, Consolidated Plan, Annual Action Plans, and CAPERs, emphasizing the involvement of low- and moderate-income residents, people living in CDBG target neighborhoods, people with disabilities, minorities, non-English speakers, and residents of assisted housing.
2. Give all citizens reasonable and timely access to meetings, information and records relating to the City’s CDBG, ESG, and HOME programs.
3. Give all citizens the opportunity to identify and respond to proposed uses of funds.
4. Give all citizens the opportunity to review and comment on program performance.

This Citizen Participation Plan, together with other materials relating to the City’s CDBG, ESG, and HOME programs, are available in alternative formats for persons with disabilities. For information, contact the Community Development Department, Neighborhood Services Division at 949-724-7444.

Community Services Commission

1. The Community Services Commission will make recommendations to the City Council each year concerning the allocation of CDBG, ESG, and HOME funds to eligible projects.
2. The Commission is comprised of five representatives appointed by the City Council.

Public Hearings

1. The City will hold at least two public hearings each year to obtain citizen’s views about housing and community development needs, proposed uses of funds and review of program performance. At least one public hearing will be held to obtain the views of citizens before the Consolidated Plan and AI or AFH are published for comment.
2. The City will ensure adequate public notice before each public hearing, with sufficient information published about the subject of the hearing to facilitate informed comment. Public hearings will be announced online and in the newspaper.

3. Public notice will be given of all public meetings of the Community Services Commission relating to the CDBG, ESG, and HOME programs at least two weeks before they are held.
4. The City will hold all public hearings and public meetings at times and locations accessible to potential and actual beneficiaries. Reasonable accommodations will be made for people with disabilities upon advance request. Public hearings held before the City Council are generally televised on the local public access channel, while hearings held before City Commissions such as the Community Services Commission generally are not televised.
5. The City will provide interpretation services for non-English speaking residents at public hearings upon advance request, provided such services are available.

Development of the AI or AFH, Consolidated Plan, and Annual Action Plans

1. The City will make a concerted effort to notify and encourage the participation of the following groups specified in Federal regulations and other stakeholders in the development of the AI or AFH, Consolidated Plan, Annual Action Plans through mailings (including electronic mailings), online postings and public notices in the newspaper:
 - Affordable housing developers
 - Agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies
 - Broadband internet service providers
 - Businesses
 - Citizens
 - Community-based organizations
 - Developers
 - Fair housing organizations
 - Faith-based organizations
 - Local and regional institutions
 - Nonprofit organizations
 - Organizations engaged in narrowing the digital divide
 - Philanthropic organizations
 - Public housing agencies
 - State and local health service providers
 - Social service providers
 - State and local governments
 - The local Continuum of Care organization addressing homelessness

2. The City will conduct workshops and/or focus group meetings at various and convenient times to inform and educate citizens and stakeholders on the development of the AI or AFH, Consolidated Plan, and Annual Action Plans. The City will solicit input from citizens and stakeholders through these workshops and/or focus groups, interviews and/or surveys.
3. As soon as feasible after the start of the public participation process for the AFH, the City will make the HUD-provided data and any other supplemental information available to residents, public agencies and other interested parties by posting the data on the City's website and referencing this information in public notices.
4. Before the City adopts the AI or AFH, Consolidated Plan, or Annual Action Plans, the City will make available to residents, public agencies, and other interested parties information that includes the amount of grant funds and program income the City expects to receive, the range of activities that may be undertaken, the amount of funds that will benefit low- and moderate-income residents, and any planned activities likely to result in displacement. This information will be published in a public notice that may refer interested parties to published documents or pages on the City's website. The types and levels of assistance the City will cause to be made available to residents or businesses displaced as a result of planned CDBG, ESG, or HOME activities are specified in the City's Anti-Displacement and Relocation Plan.
5. The City will issue an annual Notice of Funding Availability inviting proposals for CDBG, ESG, and HOME activities. Upon request, the City will provide technical assistance to groups representing low- and moderate-income persons to develop proposals for eligible activities.
6. The City will publish its proposed Consolidated Plan, AI or AFH, and Annual Action Plans for review and comment. The City will publish public notices describing the purpose of the Consolidated Plan, AI or AFH, and Annual Action Plans and listing the locations where the plans may be examined. The plans will be made available for review and examination at the Community Development Department, Neighborhood Services Division and on its website.
7. The City will receive and consider written comments on the proposed Consolidated Plan, AI or AFH, and Annual Action Plans for a minimum period of 30 days and shall hold public hearings to receive oral comments concerning these documents. The City will incorporate a summary of all comments received and a summary of any comments or views not accepted and the reasons why.

Amendments to the Consolidated Plan, AI or AFH, and Annual Action Plans

1. The City will amend its approved Consolidated Plan, AI or AFH, or Annual Action Plan whenever it makes one of the following decisions:
 - a. To carry out a project not previously described in the Annual Action Plan using funds covered by the Consolidated Plan, including program income.
 - b. To modify Fair Housing Plan recommendations or to address material changes, as defined below.
 - c. To substantially amend the purpose, scope, location or beneficiaries of a project.
 - d. To substantially amend the allocation priorities or the method of distributing funds.
2. Substantial amendment is defined as the following:
 - a. Consolidated Plan: An addition, modification, or elimination of a Consolidated Plan goal;
 - b. AI: Adding or deleting a Fair Housing Plan recommendation.
 - c. AFH: An AFH that was previously accepted by HUD must be revised and submitted to HUD for review if a material change occurs. A material change is a change in circumstances in the jurisdiction that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances. Examples include Presidentially declared disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), in the program participant's area that are of such a nature as to significantly impact the steps a program participant may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the participant's jurisdiction; and civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders; or, upon HUD's written notification specifying a material change that requires the revision. A revision to the AFH consists 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.

- d. Action Plan: An addition of a new project not previously identified in the Annual Action Plan; or a change in a project after the adoption of the Annual Action Plan that meets one of the following thresholds:
 - i. a net increase or decrease greater than 50% of the project allocation; or
 - ii. a change in the use of funds from one project to another that affects 20% or more of the City's current annual allocation of CDBG, ESG, or HOME funds.
- 3. Substantial amendments to the approved Consolidated Plan, AI or AFH, or Annual Action Plan will be made public by online postings and public notices in the newspaper. Minor changes and/or corrections may be made to the Consolidated Plan, AI or AFH, and Annual Action Plan by the Neighborhood Services Division, so long as the changes do not constitute a substantial amendment. Minor changes, including but not limited to modifications of goal outcome indicators, shall not be considered a substantial amendment and will not require public review or a public hearing.
- 4. The City will receive and consider written comments on substantial amendments to the Consolidated Plan, AI or AFH, or Annual Action Plan for a minimum period of 30 days and shall hold a public hearing to receive oral comments concerning the substantial amendments. The City will incorporate a summary of all comments received and a summary of any comments or views not accepted and the reasons why.

Consolidated Annual Performance and Evaluation Reports (CAPERs)

- 1. The City will prepare a CAPER each year to notify citizens of the accomplishments of the previous program year and the progress of the Consolidated Plan in accordance with HUD requirements.
- 2. Citizens will be afforded notice of the CAPER through online postings and public notices in the newspaper. The CAPER will be available for review at the Community Development Department, Neighborhood Services Division and on the City website.
- 3. The City will receive and consider written comments on the CAPER for a period of 15 days prior to submission of the report to HUD. The City will incorporate a summary of all comments received and a summary of any comments or views not accepted and the reasons why.

Access to Information and Records, Accessibility to Meetings

- 1. Any citizen, organization or other interested party may submit written requests for information regarding the Consolidated Plan, AI or AFH, Annual Action Plan

and CAPER, including the City's use of funds under the CDBG, ESG, and HOME programs and the benefit to low- and moderate-income residents during the preceding five years.

2. This Citizen Participation Plan, the Consolidated Plan, AI or AFH, the current Annual Action Plan, the current CAPER, and any substantial amendments to these plans will be available for public review at the Community Development Department and on the City website.
3. It is the intention of the City of Irvine to comply with the Americans with Disabilities Act in all respects. If, as an attendee at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office at 949-724-6205. Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

Comments, Complaints and Appeals

1. The City will consider any comments of citizens received in writing or orally at public hearings in preparing this Citizen Participation Plan, the Consolidated Plan, AI or AFH, Annual Action Plans, CAPERs, and/or substantial amendments to these plans. A summary of all comments will be attached to the Citizen Participation Plan, the Consolidated Plan, AI or AFH, Annual Action Plans, CAPERs, and/or substantial amendments to these plans.
2. The City will respond to written complaints received by the Neighborhood Services Division of the Community Development Department relating to the Consolidated Plan, AI or AFH, Annual Action Plans, CAPERs, and/or substantial amendments to these plans. Written complaints must describe the objection, provide supporting information and provide contact information of the complainant. Where practicable, the City will respond to complaints within 15 working days of receiving the written complaint, acknowledging the letter and identifying a plan of action, if necessary.
3. Appeals to complaint responses should be made to the following persons in the following order:
 - a. Director of Community Development
 - b. City Manager
 - c. City Council
 - d. Los Angeles Area HUD Office

Fair Housing Planning

HUD requires CDBG, ESG, and HOME grant recipients to plan and certify compliance with the Fair Housing Act by taking actions to affirmatively further fair housing choice. Part of this certification involves preparing a planning document that examines local housing conditions, economics, policies and practices and the extent to which these factors impact the range of housing choices and opportunities available to all residents in an environment free from discrimination. Since HUD published the Fair Housing Planning Guide in 1996, the City either participated in regional Analysis of Impediments to Fair Housing Choice (AI) studies (2000, 2005, and 2010) or prepared its own AI (2015). These documents were published and made available for public review for a period of 30 days for interested residents to submit written comments. Oral comments were accepted at a public hearing before the City Council.

On July 16, 2015, HUD published the Affirmatively Furthering Fair Housing (AFFH) final rule that provided recipients of CDBG and HOME funds with a new planning framework to address the legal obligation to affirmatively further fair housing under the Fair Housing Act. The new planning framework required CDBG and HOME recipients to examine housing and demographic data to identify fair housing issues, determine contributing factors and establish goals to take meaningful actions to address and overcome any fair housing issues identified. As part of this change, HUD also revised the Citizen Participation regulations at 24 CFR Part 91 to include additional participation requirements that applied to AFFH.

The first AFH document for Irvine would have been due October 1, 2019; however, HUD published a Federal Register Notice on May 23, 2018 directing recipients of CDBG and HOME funds to continue preparing AIs rather than using the new AFFH framework. Based on this direction, the City will participate in a regional AI in partnership with other CDBG and HOME recipients in Orange County for the 2020 planning cycle. The resultant AI will be published for a minimum of 30 days and comments will be incorporated into the final AI prior to submission to HUD.

Special Exceptions and Waivers

When authorized by HUD via waiver or statute to respond to an exigent or emergency situation, the City of Irvine may modify its Citizen Participation Plan approach to conform with the flexibilities granted by HUD. These exceptions may be applied to all documents referenced in this Citizen Participation Plan, including the Citizen Participation Plan, Consolidated Plan, Annual Action Plan, Consolidated Annual Performance and Evaluation Report, Analysis of Impediments/ Assessment of Fair Housing, and any amendments to these documents. Such modifications may include:

1. Reduced public review period,

2. Modified placement of notices and documents for public review,
3. Modified structure of public hearings, or
4. Alternative requirements, as identified and allowed by HUD.

CDBG Disaster Recovery (CDBG-DR)

In the event of a federally-declared major disaster or emergency for which the City of Irvine is to receive and administer HUD disaster recovery assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act or supplemental assistance under the Coronavirus Aid, Relief, and Economic Security (CARES) Act or other supplemental or related Congressional Appropriations, either directly from HUD or through the State of California, the following citizen participation requirements shall apply to the development of Action Plans and Substantial Amendments to Action Plans for disaster recovery and supplemental appropriations:

1. Before the City adopts the Action Plan for a disaster recovery grant or supplemental appropriation or any substantial amendment to a disaster recovery grant or supplemental appropriation Action Plan, the City will publish the proposed plan or amendment on the City website. For disaster recovery assistance, the City will cross-reference with any additional disaster recovery websites established to provide information to the public concerning assistance that may be available.
2. The City and/or subrecipients will notify affected citizens through USPS and/or electronic mailings, press releases, public service announcements, public notice(s), and/or through social media, or as otherwise required by HUD.
3. The City will ensure that all citizens have equal access to information about the programs, including persons with disabilities and Limited English Proficiency (LEP) persons. Program information will be made available in the appropriate languages for the City.
4. Subsequent to publication of the Action Plan or substantial amendment, the City will provide a reasonable opportunity for receiving comments as prescribed by the Federal Register Notice governing administration of the disaster recovery assistance or as otherwise permitted by HUD for supplemental appropriations. Under the CARES Act, the law indicates a reasonable opportunity to comment is at least five (5) days.
5. The City will receive comments via USPS mail to: Housing Administrator, Community Development Department, City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, CA 92623-9575 or via email to cdbg@cityofirvine.org.
6. In the action plan, the City will specify criteria for determining what changes in the City's plan constitute a substantial amendment to the plan. At a minimum,

the following modifications will constitute a substantial amendment: a change in program benefit or eligibility criteria; the addition or deletion of a project; or the allocation or reallocation of a monetary threshold of more than \$750,000.

7. For disaster recovery assistance, a public website shall be established and publicized specifically for the disaster. Initially, the City's CDBG website may be used at: www.cityofirvine.org/cdbg. The website shall contain the Action Plan (including all amendments); each Quarterly Performance Report (QPR); procurement policies and procedures; executed contracts; status of services or goods currently being procured by the City (e.g., phase of the procurement, requirements for proposals, etc.).
8. The City will consider all written comments regarding the Action Plan or any substantial amendment. A summary of the comments and the City's response to each comment will be provided to HUD or the State with the Action Plan or substantial amendment.
9. The City will provide a timely written response to every citizen complaint. The response will be provided within 15 working days of the receipt of the complaint, to the extent practicable.
10. The City will notify HUD when it makes any plan amendment that is not substantial. HUD or the State will be notified at least five business days before the amendment becomes effective.

Waivers to any of the above Citizen Participation Plan requirements may be approved by HUD to expedite the City's ability to address a local urgent need. The City will consider any waiver requests available with special federal or state disaster assistance, regulations, and guidelines to address urgent needs.

Anti-Displacement and Relocation

This Anti-Displacement and Relocation Plan is prepared in accordance with the Housing and Community Development Act of 1974, as amended (Act), implementing regulations at HUD 24 CFR 42.325 and is applicable to CDBG, ESG, and HOME assisted projects.

Minimizing Displacement

It is the policy of the City of Irvine to minimize, to the greatest extent feasible, the displacement, whether permanent or temporary, of persons (families, individuals, businesses, nonprofit organizations, or farms) from projects funded with CDBG, ESG, or HOME involving single or multi-family rehabilitation, acquisition, commercial rehabilitation, demolition, economic development, or capital improvement activities.

Projects that the City deems beneficial, but that may cause displacement, may be recommended and approved for funding only if the subgrantee demonstrates that such displacement is necessary and vital to the project and that efforts are taken to reduce the number of persons displaced. Further, the subgrantee must clearly demonstrate that the goals and anticipated accomplishments of a project outweigh the adverse effects of displacement imposed on persons who must relocate.

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

1. Consider if displacement will occur as part of funding decisions and project feasibility determinations.
2. Assure, whenever possible, that occupants of buildings to be rehabilitated are offered an opportunity to return.
3. Plan substantial rehabilitation projects in “stages” to minimize displacement.
4. Meet all HUD notification requirements so that affected persons do not move because they have not been informed about project plans and their rights.

Relocation Assistance to Residential Tenants Displaced

The City of Irvine will provide relocation assistance for low- and moderate-income tenants who, in connection with an activity assisted under CDBG, ESG, and/or HOME, are directly, involuntarily, and permanently displaced in accordance with the requirements of HUD 24 CFR 42.350. A displaced person who is not a low- or moderate-income tenant, will be provided relocation assistance in accordance with

the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at HUD 49 CFR Part 24.

One-for-One Replacement of Dwelling Units

The City of Irvine will replace all occupied and habitable vacant low- and moderate-income housing units, demolished or converted to a use other than low- and moderate-income housing, in connection with a project assisted with CDBG, ESG, and/or HOME funds in accordance with HUD 24 CFR 42.375.

Before entering into a contract committing the City of Irvine to use CDBG, ESG, and/or HOME funds on a project that will directly result in demolition or conversion of low- and moderate-income housing units, the City will make public and submit to HUD a One-for-One Replacement Plan that contains the following information:

1. a description of the proposed assisted activity;
2. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- and moderate-income units;
3. a schedule for the commencement and completion of the demolition or conversion;
4. the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement units;
5. the source of funding and a schedule for the provision of replacement dwelling units; and
6. the basis for concluding that each replacement dwelling unit will remain a low- and moderate-income unit for at least 10 years from the date of initial occupancy.

To the extent that the specific location of the replacement housing and other data are not available at the time of the submission, the City will identify the general location of such housing on a map and complete the disclosure and submission requirements as soon as the specific data are available.

Replacement not Required Based on Unit Availability

Under HUD 24 CFR 42.375(d), the City of Irvine may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of low- and moderate-income housing units in standard condition available on a non-discriminatory basis within the area.

Contact Information

The City of Irvine Neighborhood Services Division, located at 1 Civic Center Plaza, Irvine, 92606, phone number 949-724-7444, is responsible for tracking the replacement of low- and moderate-income housing units and ensuring that it is provided within the required period. The Neighborhood Services Division is also responsible for monitoring the relocation payments and other relocation assistance to any permanently or temporarily displaced person for which CDBG, ESG, and/or HOME dollars have been used to fund a project.