



**2020/21-2024/25
CITIZEN PARTICIPATION PLAN**

(with Residential Anti-Displacement and Relocation Assistance Plan)

**PUBLIC REVIEW DRAFT
(APRIL 3, 2020 – MAY 4, 2020)**

For Council Consideration on

May 4, 2020

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INTRODUCTION

The City of Huntington Beach receives an annual entitlement of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds from the U.S. Department of Housing and Urban Development (HUD) for housing and community development activities to assist low-income persons. In accordance with the entitlement programs, the City must create a 5-Year Consolidated Plan (Consolidated Plan) that addresses affordable housing and community development needs, submit an Annual Action Plan (Annual Plan) to outline spending and activities for the corresponding program years, and provide a Consolidated Annual Performance and Evaluation Report (CAPER) to evaluate the City's accomplishments and use of CDBG and HOME funds. As required by HUD regulations 24 CFR 91.105, the City must have and follow a detailed Citizen Participation Plan that specifies the city's policies and procedures for engaging citizens and encouraging them to participate in creating, evaluating, and implementing the CDBG and HOME programs and the Assessment of Fair Housing (AFH).

The Draft 2020/21-2024/25 Citizen Participation Plan was available for public review and comment between April 3, 2020 and May 4, 2020. The City published a notice in the Orange County Register on April 2, 2020 informing the public of the availability of the document for review and comment. The public had access to review the draft document at the City of Huntington Beach Office of Business Development and on the City's website. The public was invited to provide comments on the Draft 2020/21-2024/25 Citizen Participation Plan at a regular public hearing meeting of the Huntington Beach City Council on May 4, 2020.

OBJECTIVES

The City's Citizen Participation Plan is designed to ensure equitable representation of all segments of the population and to aid communication between the City and its residents on matters pertaining to the use of all federal funding from HUD. The Citizen Participation Plan sets forth policies and procedures the City Council adopted to encourage citizen involvement regarding the use of federal funds, notably Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds. The intent of the Citizen Participation Plan is to encourage those least likely to participate in the process, especially low-income persons living in distressed neighborhoods, in public and assisted housing developments, and in areas where CDBG funds are proposed to be used. This document outlines basic tenets of the citizen participation regulations and remains in effect throughout the implementation of the City's entitlement awards from the federal government or until these funds are closed out.

The Citizen Participation Plan promotes citizen participation in the following key areas:

- Preparation and review of, and comment on the:
 - ✓ Consolidated Plan, a five-year strategic plan that outlines the strategy and goals for the City's use of the federal funding sources.

- ✓ Annual Action Plan, which describes projects that will be undertaken in the upcoming fiscal year with the federal funding sources.
 - ✓ Substantial Amendments to a Consolidated Plan and/or Annual Action Plan.
 - ✓ Assessment of Fair Housing (AFH).
- Provides an opportunity for residents to review and comment on the annual Consolidated Annual Performance and Evaluation Report (CAPER), which describes Huntington Beach's implementation of activities funded by the HUD formula programs CDBG and HOME.
 - Provides residents reasonable and timely access to information, meetings, and records.
 - Provides assistance for non-English-speaking and Limited English Proficient (LEP) persons upon advance request provided such services are available.
 - Provides reasonable accommodations for those with disabilities upon advance request.

ROLE OF CITIZENS

Citizen involvement is essential in assuring that City policies, procedures, programs and activities are well suited to local needs. Citizens' concerns and ideas may be expressed to the City Council. The City Council addresses itself to the development, review and adoption of the following areas:

- A. The City's Consolidated Plan and Annual Action Plan.
- B. The submission of the City's CAPER.
- C. City improvement strategies, programs, policies and procedures.
- D. The Citizen Participation Plan.

Regular meetings of the City Council/Public Financing Authority are held on the first and third Mondays of each month, and typically begin on or preceding the hour of 4:00 p.m. in the Council Chambers. A Study Session used to present information to Council for discussion purposes only with no objection being taken or Closed Session may be convened subject to the Brown Act, and may be scheduled prior to the main, public meeting that convenes at 6:00 p.m. in the Council Chambers. If a regularly scheduled meeting falls on a holiday, the meeting will be held on the next business day.

City Council Meeting agendum and supporting documentation is available for public review at <https://huntingtonbeach.legistar.com/Calendar.aspx> on Wednesdays prior to a scheduled meeting. If a holiday occurs on the Monday or Tuesday prior to Wednesday's scheduled agenda packet release, delivery of packet material to Council and the public may be delayed by one additional day.

Regular City Council meetings are broadcast live on Huntington Beach Cable Channel 3 and repeated on Tuesdays at 10 a.m. and Wednesdays at 7 p.m. Council meetings are webcast live and also archived on the City's website.

GUIDELINES FOR CITIZEN PARTICIPATION

The citizen participation process provides citizens of Huntington Beach with a formal opportunity to take part in the development of housing and community development programs and amendments to adopted plans at a community-wide level in a public forum during a specified City Council Meeting or Citizen Participation Advisory Board (CPAB) Meeting. Listed below are the specific guidelines governing information access, public notices, and technical assistance, among others, that the City will follow to encourage citizen participation in the preparation of the Consolidated Plan, Annual Action Plan, AFH, and CAPER.

Citizen Participation Advisory Board

The Citizen Participation Advisory Board (CPAB) was established in October 1996. It is comprised of seven members appointed by each of the individual City Council members. The CPAB strives to represent the diverse views on the socioeconomic issues related to low/moderate income individuals. To that end, low-income residents and members of minority groups are encouraged to apply to the City for appointment to the CPAB when vacancies arise, so that members of minority groups can be substantially represented.

The purpose of the Citizen Participation Advisory Board (CPAB) is to provide citizen participation and coordination in the City's planning processes for HUD formula grants, principally the Community Development Block Grant (CDBG) and the Home Investment Partnership Act (HOME) Programs. Along with staff, the Board shall assess the needs of the community particularly that of low and moderate income households, evaluate and prioritize projects pertaining to the required plans and provide recommendations to City Council on such plans and projects, and consider alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation.

It is the responsibility of the CPAB to review grant proposals and make recommendations to the City Council concerning federal funding. Committee meetings are open to the public and are held regularly during the CDBG application and deliberation period. The CPAB establishes its meeting dates by consensus. All meetings are open to the public and special meetings may be called in conformance with the Ralph M. Brown Act. The Board will hold public hearings to obtain citizen input on community needs, plans or proposals. The CPAB is encouraged to hold public meetings in areas where there is a significant concentration of low to moderate-income persons. To ensure that all City residents have sufficient opportunity to take notice of all scheduled public hearings, all public hearing notices will include the date, time and location of the City Council Chambers located at 2000 Main Street, Huntington Beach and notification that meeting locations are accessible to the disabled. To maximize community participation by individuals served through

CDBG and HOME programs, meetings are also held in the Oakview neighborhood, which is within an eligible low- and moderate-income area.

Consolidated Plan, Annual Action Plan, Assessment to Fair Housing

As mandated by federal regulations, the City submits a Consolidated Plan and Assessment to Fair Housing every five years and an Annual Action Plan every year to HUD. The Consolidated Plan is a long-range plan that identifies community development and housing needs of low-income Huntington Beach residents, establishes priorities, and describes goals, objectives and strategies to address identified priorities. The Annual Action Plan is a document that lists specific activities for CDBG and HOME funding in the upcoming program year, as well as applications for both federal programs. An Assessment to Fair Housing (AFH) Plan describes patterns of integration and segregation; racially or ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs.

The following steps will be taken to encourage all Huntington Beach citizens, including minorities, non-English speaking or limited English proficient (LEP) persons, and persons with disabilities, to participate in the development of the Consolidated Plan, Annual Action Plan, and AFH and afford these citizens an opportunity to review and comment on them:

Consolidated Plan/Annual Action Plan

1. In preparation of the Consolidated Plan, the City will distribute a Community Needs Survey (and in Spanish if necessary) to local agencies, and will conduct a consultation workshop with housing, health, homeless, disabled, and other social service providers to identify key housing and community development needs and issues in the City, as well as identifying gaps in service.
2. The City will conduct a community workshop in English (and in Spanish if necessary) to solicit citizens' opinions regarding perceived community needs during development of the Consolidated Plan, and provide a written Community Needs Survey (in Spanish if necessary) to establish expenditure priorities of CDBG and HOME monies.
3. The City will distribute from time-to-time a Request for Proposals (RFP) to nonprofit organizations and City departments to carry out public service and/or housing activities.
4. The City will elicit comment from local and regional institutions, the Continuum of Care and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) when developing and implementing the Consolidated Plan.
5. In conjunction with consultation with public housing agencies, the City will encourage participation of residents in public and assisted housing developments while developing and implementing the Consolidated Plan, along with other low-income residents of targeted revitalization areas in which the developments are located. The City will provide information to public housing agencies in Huntington Beach and surrounding cities about

consolidated plan activities related to its developments and surrounding communities so that the PHA can make this information available at the annual public hearing required for the PHA Plan.

6. Prior to the publication of the City’s Consolidated Plan, the first of two public hearings will be held to solicit and consider any public comments (oral and written) on the use of CDBG and HOME funds. The public hearing will serve to obtain the views of citizens on housing and community development needs, including priority non-housing community development needs. To ensure that all City residents have sufficient opportunity to take notice of all scheduled public hearings, all public hearing notices, including the date, time and location, and summary of the proposed action shall be published in a local newspaper of general circulation at least fifteen (15) days prior to the date of the public hearing. This first public hearing is to be held by the CPAB at the Oak View Branch Library located at 17251 Oak Lane, Huntington Beach, CA 92648 and is accessible to the disabled.
7. Following the 1st public hearing, the CPAB will hold one or more meetings to allow CDBG applicants to present their request for funding and to talk about their programs. The CPAB will prioritize the eligible programs and projects and will prepare a recommendation on funding levels to be included in the Draft Annual Action Plan.
8. A summary describing the contents and purpose of the proposed Consolidated Plan and/or Annual Action Plan will be published in a newspaper of general circulation. The summary will also include a list of locations where a complete draft of the Consolidated Plan and Annual Action Plan may be obtained for review. The summary will include the amount of assistance expected to be received from grant funds and program income, the range of activities that may be undertaken and the estimated amount that will benefit persons of low- and moderate-income.
9. The publication of the summary will commence a 30-day public comment period, during which citizens will have the opportunity to examine the proposed Consolidated Plan and/or Annual Action Plan and submit comments regarding the draft document(s) to the City’s Community Development Department / Office of Business Development (see address below). Complete copies of the draft Consolidated Plan and/or Annual Action Plan will be available for review at the following locations and at <https://www.huntingtonbeachca.gov/business/economic-development/> :

City of Huntington Beach	Oak View Branch Library
Office of Business Development	17251 Oak Lane
2000 Main Street, 5 th Floor	Huntington Beach, CA 92648
Huntington Beach, CA 92648	
10. The City Council will accept a draft Consolidated Plan/Annual Action Plan to initiate the 30-day public review period.
11. A second public hearing before the City Council will be held to provide citizens further opportunity to comment on the draft Consolidated Plan and Annual Action Plan, which

must be adopted by the City Council. The public hearing will serve again to obtain the views of citizens on housing and community development needs, including priority non-housing community development needs. A summary of comments or views along with a summary of any comment or view not accepted and the reasons, therefore, shall be attached to the final Consolidated Plan/Annual Action Plan. To ensure that all City residents have sufficient opportunity to take notice of this public hearing, a public hearing notice, including the date, time and location, and summary of the proposed action shall be published in a local newspaper of general circulation at least fifteen (15) days prior to the date of the public hearing. Public hearings are held at 6:00 p.m. in the City Council Chambers located at 2000 Main Street, Huntington Beach and is accessible to the disabled.

Assessment to Fair Housing Plan

1. Huntington Beach staff will at, or as soon as feasible after, the start of the public participation process, make the HUD-provided data and any other supplemental information the jurisdiction plans to incorporate into its AFH available to its residents, public agencies, and other interested parties. Huntington Beach may make the HUD-provided data available to the public by cross-referencing to the data on the HUD's website.
2. A summary describing the contents and purpose of the proposed AFH will be published in a newspaper of general circulation at least thirty (30) days prior to the date of the public hearing. The public notice will also commence a 30-day public comment period, during which citizens will have the opportunity to examine the proposed AFH and submit comments regarding the draft document to the City's Community Development Department / Office of Business Development. The public notice will also announce the date, time, and location of the public hearing scheduled to adopt the AFH. Public hearings are held at 6:00 p.m. in the City Council Chambers located at 2000 Main Street, Huntington Beach and are accessible to the disabled.
3. Complete copies of the draft AFH will be available for review at the following locations, as well as on the City's website at <https://www.huntingtonbeachca.gov/business/economic-development/> :

City of Huntington Beach
Office of Business Development
2000 Main Street, 5th Floor
Huntington Beach, CA 92648

Oak View Branch Library
17251 Oak Lane
Huntington Beach, CA 92648

4. A public hearing before the City Council will be held to provide citizens further opportunity to comment on the draft AFH, which must be adopted by the City Council. A summary of comments or views made along with a summary of any comment or view not accepted and the reasons, therefore, shall be attached to the final AFH.

Consolidated Plan/Annual Action Plan Amendments

Consolidated Plans and/or Annual Action Plans may be revised during the program year.

- Minor Amendments. Any revisions not defined below as a Substantial Amendment constitutes a minor amendment not requiring public notification or citizen participation in advance of implementing such changes. Upon completion, the City will make the amendment public by placing the amendment to the City’s website and will notify HUD that an amendment has been made. The City will submit a copy of each amendment to HUD as it occurs, or at the close of program year.

Minor changes and/or corrections may be made, so long as the changes do not constitute a substantial amendment. Minor changes, including but not limited to modifications of goal outcome indicators, will not be considered a substantial amendment and do not require public review or a public hearing.

- Substantial Amendments. The following changes to the City’s Consolidated Plan and/or Annual Action Plan constitute substantial amendments requiring public notification and public review subject to the citizen participation process described at 24 CFR 91.105 and 24 CFR 91.115.
 1. The City makes a change in its allocation priorities or a change in the method of distribution of funds.
 2. An addition, modification, or elimination of a Consolidated Plan goal.
 3. The City carries out an activity not previously described in the Annual Action Plan using funds covered by the Consolidated plan, including Program Income.
 4. The City proposes not to carry out an activity described in the Annual Action Plan and, if funded, cancel the activity in the federal Integrated Disbursement Information System (IDIS).
 5. There is a change in the purpose, scope, location, or beneficiaries of an activity in the Annual Action Plan.
 6. There is a cumulative change in the use of CDBG or HOME funds from one activity to another activity in the Annual Action Plan that exceeds 30 percent of the entitlement award for the program year. If the CDBG award, for instance, is \$1.0 million, then an activity budget(s) could be increased or decreased by up to \$300,000.

In the event that an amendment to the Consolidated Plan and/or Annual Action Plan qualifies as a substantial change, citizens will be given an opportunity to participate in the planning process. This opportunity will be afforded to the citizens by following these steps:

1. The City will publish a notice describing the contents and purpose of the proposed substantial amendment to the Consolidated Plan and/or Annual Action Plan in a newspaper of general circulation. The summary will also include a list of locations where a complete draft of the Amended Consolidated Plan and/or Amended Annual Action Plan may be obtained for review.
2. The publication of the summary will commence a 30-day public comment period, during which citizens will have the opportunity to examine the proposed Amended Consolidated Plan and/or Amended Annual Action Plan and submit comments regarding the draft document to the City's Community Development Department / Office of Business Development.
3. After the close of the 30-day public comment period, the City Council will consider approving the Substantial Amendment to the City's Consolidated Plan and/or Annual Action Plan. All substantial amendments to the Consolidated Plan and/or Annual Action Plan and all amendments to the Citizen Participation Plan will be reviewed and approved by the City Council. A summary of comments or views along with a summary of any comment or view not accepted and the reasons, therefore, will be attached to the final Amended Consolidated Plan and/or Amended Annual Action Plan.

Assessment to Fair Housing Plan Revisions

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

- A material change occurs. A material change is a change in circumstances in the jurisdiction of a program participant 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.

A revised AFH under this circumstance must be submitted within 12 months of the onset of the material change, or at a later date as HUD may provide. Where the material change is the result of a Presidentially declared disaster, the revised AFH submission 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.

- Upon HUD's written notification specifying a material change that requires the revision.

Under this scenario, HUD will specify a date by which the program participant must submit the revision of the AFH to HUD, taking into account the material change, the program participant's capacity, and the need for a valid AFH to guide planning activities. HUD may extend the due date upon written request by the program participant that describes the reasons the program participant is unable to make the deadline.

On or before 30 calendar days following the date of HUD's written notification under this circumstance, Huntington Beach may advise HUD in writing if it believes that a revision to the AFH is not required. The City will state with specificity the reasons for its belief that a revision is not required. HUD will respond on or before 30 calendar days following the date of the receipt of the City's correspondence and will advise the City in writing whether HUD agrees or disagrees with the City. If HUD disagrees, the program participant must proceed with the revision. HUD may establish a new due date that is later than the date specified in its original notification.

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

Huntington Beach will follow citizen participation guidelines as outlined here for a Consolidated Plan Substantial Amendment, including publishing a public notice at least thirty (30) days in advance of a public hearing to adopt the Revised AFH and a 30-day public comment period.

Consolidated Annual Performance Evaluation Report (CAPER)

The City will prepare an annual CAPER to evaluate the progress of the Consolidated Plan and to review accomplishments for the previous program year. Upon completion of the CAPER and prior to its submission to HUD, a public notice will be published in a newspaper of general circulation announcing the availability of the CAPER for review and comment prior to a public hearing. This public review and comment period shall be for a minimum 15-day period beginning on the day of publication. During this period, citizens will have the opportunity to examine the CAPER and submit comments to the City's Community Development Department / Office of Business Development regarding the document. A public hearing will also serve to obtain the views of citizens about program performance. A summary of comments or views along with a summary of any comment or view not accepted and the reasons, therefore, will be attached to the CAPER.

PUBLIC COMMENT

Public comment, verbally or in writing, is accepted throughout the program year, and is particularly invited during the noticed public comment periods described above. Public hearings

shall provide a major opportunity for citizen input on proposed neighborhood improvement programs, activities, policies and procedures. At a minimum, the City will conduct three separate public hearings annually—one for the purpose of soliciting comments from the public on needs and priorities for the development of the Consolidated Plan and Annual Action Plan, a second for the purpose of adopting the Consolidated Plan and/or Annual Action Plan, and a third public hearing accepting the Consolidated Annual Action Plan (CAPER) following a review of program performance. Public hearings will be held at times convenient to potential and actual beneficiaries, and accessible to the disabled.

Notices of public comment periods shall be published on the first day of the public comment period, which shall conclude with the public hearing before City Council. To ensure that all City residents have sufficient opportunity to take notice of all scheduled public hearings, all public hearing notices, including the date, time and location, shall be published in a local newspaper of general circulation at least fifteen (15) days prior to the date of the public hearing. Public notices will be published in local newspapers of general circulation when pertaining to any projects proposed citywide, such as the Consolidated Plan, Annual Action Plan and CAPER.

BACK-UP PROJECTS

The Annual Action Plan may contain a list of projects to be funded for the given program year under one or more of the following circumstances:

- Additional funding becomes available during the program year from the close out of current projects that were completed under budget.
- More program income becomes available than originally estimated and budgeted in the Annual Action Plan.
- If, during the development of the Annual Action Plan, staff has not definitively decided which public facility or infrastructure improvement project to fund, the City may opt to categorize each option as a “back-up” project until further project and budget planning is performed. Initiation and funding of one or more of the “back-up” projects would not constitute a substantial amendment as defined in the Citizen Participation Plan. Preferential consideration will be given to those projects that demonstrate the ability to spend CDBG funds in a timely manner, consistent with the City’s goal to meet CDBG timeliness rules, as well as those projects that meet the needs of the community as defined in the Consolidated Plan.

A list of “back-up” projects can include public facility and infrastructure improvement projects can be included in the Annual Action Plan and be approved by the City Council to serve as back-up projects. The City may activate these back-up projects at any time when funding becomes available. The City needs to receive HUD approval for these back-up projects along with the approved and funded projects as part of its approval for the Annual Action Plan. Initiation and funding of these projects would not constitute a substantial amendment as defined above.

ACCESS TO INFORMATION AND RECORDS

Any citizen, organization, or other interested party may submit written requests for information regarding the Consolidated Plan, Annual Action Plan, AFH, or CAPER, including the City's use of funds under the CDBG and HOME programs and the benefit to low- to moderate-income residents during the preceding five years. Copies of the Consolidated Plan, Annual Action Plan, Citizen Participation Plan, CAPER, AFH, amendments or revisions to these Plans, and documents regarding other important program requirements including contracting procedures, environmental policies, fair housing/equal opportunity requirements and relocation provisions, are available to the public during the City's regular business hours, Monday through Thursday 8:00 am – 5:00 pm and every other Friday from 8:00 am – 5:00 pm, in the City's Office of Business Development located at Huntington Beach City Hall, 2000 Main Street, 5th Floor, Huntington Beach, CA 92648. Additional information may be obtained by calling (714) 375-5186. Upon request, the City will make all information available in a format accessible to persons with disabilities.

TECHNICAL ASSISTANCE

In an effort to encourage the submission of views and proposals regarding the Consolidated Plan and Annual Action Plan, particularly from residents of target areas and groups representative of persons of low- and moderate-income, the City shall provide technical assistance in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan or Annual Action Plan, if requested. Such assistance will include, but is not limited to, the provision of sample proposals, and program regulations and guidelines.

COMMENT AND COMPLAINT PROCESS

The City will consider any comments from citizens received in writing or orally at public hearings in preparing this Citizen Participation Plan, the Consolidated Plan, Annual Plan, CAPER, AFH, and/or substantial amendments to these plans. A summary of all comments will be attached and submitted to HUD.

The City will respond to written complaints received relating to the Consolidated Plan, Annual Plan, AFH, CAPER, and/or substantial amendments. Written complaints must describe the objection and provide contact information of the complainant. The city will respond to complaints within fifteen (15) working days of receiving the written complaint, acknowledging the letter and identifying a plan of action, if necessary.

Correspondence may be addressed to:

City of Huntington Beach
Community Development Department / Office of Business Development
C/O Ursula Luna-Reynosa, Community Development Director
2000 Main Street, 5th Floor
Huntington Beach, CA 92648

Persons wishing to contact the Los Angeles Area Field HUD Office may address correspondence to:

U.S. Department of Housing and Urban Development
C/O Robert DiGruccio, HUD Representative
300 North Los Angeles Street
Suite 4054
Los Angeles, CA 90012

CHANGES IN FEDERAL FUNDING LEVEL

Any changes in the federal funding level after the comment period of either the Draft Consolidated Plan and/or the Draft Annual Action Plan has expired, the resulting effect on the distribution of funds will not be considered an amendment or a substantial amendment.

ASSURANCES

The City of Huntington Beach assures that the most diligent effort will be made to comply with the process and procedures outlined in this 2020/21-2024/25 Citizen Participation Plan.

CODE OF ETHICS / CONFLICT OF INTEREST

It shall be forbidden for any member of boards, commissions, and committees having a material interest in the outcome of decisions to participate in the review of, discussion regarding or voting upon any application on or in any way attempt to influence other members of the respective body. According to direction from the Los Angeles area office of HUD, any CPAB member with such a conflict must resign from either the board or from the position from which the conflict arises. City staff will review applications for new members and attempt to identify potential conflicts prior to appointment.

ANTI-DISPLACEMENT

The City of Huntington Beach strives to avoid and minimize the displacement of individuals as a result of HUD funded activities. Therefore, to the greatest extent possible, the City:

- Will consider the impact of displacement in the site selection, during the project planning phase.
- Will provide information to displaced individual's on available assistance and relocations benefits.

In an effort to minimize displacement of persons and to assist any persons displaced by governmental actions, the City of Huntington Beach has prepared a Residential Anti-Displacement and Relocation Assistance Plan which is provided in this document.

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Huntington Beach (City) in accordance with the Housing and Community Development Act of 1974, as amended; and Department of Housing and Urban Development (HUD) regulations at 24 CFR 42.325 and is applicable to the City's Community Development Block Grant (CDBG), including the Section 108 Loan Guarantee Program, and HOME Investment Partnerships Act (HOME)-assisted projects.

Section 104(d) of the Housing and Community Development Act of 1974, as amended (HCD Act), and U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program regulations provide that, as a condition for receiving assistance, as a grantee, the City must certify that it is following a Residential Anti-Displacement and Relocation Assistance Plan (RARAP), which contains two major components:

1. A requirement to replace all occupied and vacant occupiable low-moderate-income dwelling units that are demolished or converted to a use other than low-moderate-income housing in connection with an activity assisted under the HCD Act and 24 CFR 570.606(c)(1)); and
2. A requirement to provide certain relocation assistance to any lower income person displaced as a direct result of (1) the demolition of any dwelling unit or (2) the conversion of a low/moderate-income dwelling unit to a use other than a low/moderate-income dwelling in connection with an assisted activity.

Minimize Displacement

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

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Stage rehabilitation of apartment units to allow tenants to remain in the building complex during and after the rehabilitation, working with empty units first.
- Where feasible, give priority to rehabilitation of housing in lieu of demolition to minimize displacement.

- If feasible, demolish or convert only dwelling units that are unoccupied or vacant occupiable¹ dwelling units, especially if units are lower-income units as defined in 24 CFR 42.305.
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

The City will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG and HOME Programs, move permanently or move personal property from real property as a direct result of the demolitions of any dwelling unit or the conversion² of a lower-income dwelling unit³ in accordance with requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant will be provided relocation assistance in accordance with the Uniform Act, as amended, and implementing regulations at 49 CFR Part 24.

One-for One Replacement of Lower-Income Dwelling Units

In accordance with section 104(d) of the Housing and Community Development Act of 1974, as amended (HCD Act) (Pub. L. 93-383, 42 U.S. C. 5301 et seq) and the implementing regulations at 24 CFR 42.375, the City will fulfill its obligation of providing one-for-one replacement housing by replacing all occupied and vacant occupiable lower-income dwelling units⁴ demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG and HOME Programs.

To that end, the City, in fulfillment of 24 CFR 42.375, will replace all units triggering replacement-housing obligations with comparable lower-income dwelling units. Acceptable replacement units that are provided by the City or private developer will meet these requirements:

- The units will be located within the city and, to the extent feasible and consistent with other statutory priorities, located within the same neighborhood as the units replaced.

¹ A **vacant occupiable dwelling** unit means a vacant dwelling unit that is in a standard condition; a vacant dwelling unit that is in a substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied (except by a squatter) at any time within the period beginning three months before the date of execution of the agreement by the recipient covering the rehabilitation or demolition.

² The term **conversion** means altering a housing unit to either use the dwelling for non-housing purposes, continue to use a unit for housing; but it fails to meet the definition of lower-income dwelling unit; or it is used as an emergency shelter. If a housing unit continues to be used for housing after completion of the project is not considered a “conversion” insofar as the unit is owned and occupied by a person who owned and occupied the unit before the project.

³ A **lower-income dwelling unit** means a dwelling unit with a market rent (including utility costs) that does not exceed the applicable Fair Market Rent.

⁴ The term **dwelling** as defined by the URA at 49 CFR 24.2(a)(10) includes transitional housing units or non-housekeeping units (SRO) commonly found in HUD programs. An emergency shelter is generally not considered a “dwelling” because such a facility is usually not a place of permanent, transitional or customary and usual residence.

- The units must be sufficient in number and size to house no fewer than the number of occupants who could have been housed, as determined by the City’s local housing occupancy codes, in the units that are demolished or converted.
- The units must be provided in standard condition.
- Replacement units must initially be made available for occupancy up to one year prior to the City publishing information regarding the project initiating replacement housing requirements and ending three years after commencing demolition or rehabilitation related to the conversion.
- Replacement units must remain lower-income dwelling units for a minimum of ten years from the date of initial occupancy. Replacement lower-income dwelling units may include public housing or existing housing receiving Section 8 project-based assistance.

Disclosure and Reporting Requirements

Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will make public by publishing in a newspaper of general circulation and will submit to HUD the following information in writing:

1. A description of the proposed assisted project.
2. The address, number of bedrooms and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of and assisted project.
3. A time schedule for the commencement and completion of the demolition or conversion.
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of at the replacement lower-income housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement dwelling units.
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least ten years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a two-bedroom unit with two one-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units or a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items four through seven are unavailable at the time of the general submission, the City will identify the general locations of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

Replacement not Required Based on Unit Availability

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

DEFINITIONS

Annual Action Plan. A one-year (July 1 – June 30) planning document detailing approved funding allocations for specific eligible activities. The Annual Action Plan is submitted to HUD 45-days prior to the beginning of the program year.

Code of Federal Regulations (CFR). The general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the U.S. government.

Community Development Block Grant (CDBG). Authorized under Title I of the Housing and Community Development Act of 1974, as amended, the CDBG Program combined multiple federal categorical grants under one regulation. The funds are a block grant that can be used to address critical and unmet community needs including those for housing rehabilitation, public facilities, infrastructure, economic development, public services, and more. The City is provided an annual grant on a formula basis as a CDBG Entitlement recipient. Funds are used to develop a viable urban community by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER is prepared at the end of the program year to detail how funds were actually expended and the extent to which these funds were used for activities that benefitted low- and moderate-income people. The CAPER is submitted to HUD within 90-days of the program year end.

Consolidated Plan. The document that is submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submissions for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA), that is prepared in accordance with the process described in this part.

HOME Investment Partnerships Program (HOME). HOME funds are awarded annually as formula grants to participating jurisdictions (PJs), States and localities, that are used - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.

HUD. U.S. Department of Housing and Urban Development is the federal agency which administers and provides guidance for the Consolidated Plan process and use the federal funds such as CDBG and HOME.

Low- and Moderate-Income Persons. Individuals from households with a total income that does not exceed 80 percent of the median household income for the area adjusted for family size.