

CITIZEN PARTICIPATION/ANTIDISPLACEMENT PLANS

December 8, 2009

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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.

On October 28, 1992, the Housing and Community Development Act of 1992, amended Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act, requires the City, as a participating jurisdiction (PJ), to certify that it is following a RARAP under its HOME Program that requires the same actions and provides the same rights as the RARAP required for the CDBG Program.

The proposed amendment to the City's current CPP and Displacement Policy serves to bring the City into full compliance with federal requirements.

Citizen Participation Plan

The proposed amendment to the CPP incorporates two minor alterations. The CPP now adds language to stipulate that a minimum 15-day public comment period is required whenever the CPP is amended. This action conforms to federal regulations.

Second, the proposed amendment to the CPP eliminates the necessity for a public hearing when a substantial amendment to the Consolidated Plan or Annual Action Plan is considered. The City will continue holding public hearings before the Neighborhood Improvement and Conservation Commission (NICC) and City Council when approving the Consolidated Plan and Annual Action Plan.

Residential Antidisplacement and Relocation Assistance Plan Components

The amended RARAP complies with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and ensures that the City is following RARAP required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

FINANCIAL IMPACT

The City must certify that it is following a CPP and a RARAP as a condition for receiving federal funds, such as CDBG, HOME and ESG funds. Failure to adopt

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RARAP that complies with current Federal Uniform Act standards is an audit finding and jeopardizes future grant allocations.

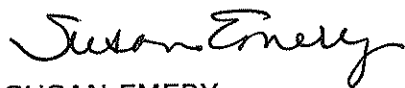
COMMUNITY VISION IMPLEMENTATION

The RARAP assists with the Strategic Plan goal for the enhancement for neighborhoods by ensuring quality housing opportunities in the community without unduly burdening existing residents.

RECOMMENDATION

It is recommended that the City Council:

- Conduct a Public Hearing and accept public comments regarding the proposed amendment to the Citizen Participation Plan and the Residential Antidisplacement and Relocation Assistance Plan; and
- Approve the attached amended Citizen Participation Plan and Residential Antidisplacement and Relocation Assistance Plan.



SUSAN EMERY
Community Development Director



By: Allison Mills
Senior Project Manager

Approved for Agenda Listing



Matthew Fertal
City Manager

Attachment 1: Amended Citizen Participation Plan (CPP)
Exhibit A to CPP: Residential Antidisplacement and Relocation Assistance Plan

CITY OF GARDEN GROVE
CITIZEN PARTICIPATION PLAN

Revised December 8, 2009 by City of Garden Grove City Council

I. POLICY STATEMENT

Pursuant to Section 104(a)(3) of the Housing and Community Development Act of 1974 as amended, the City of Garden Grove adopted this Citizen Participation Plan in July, 1978 (revised May 1980, January 1985, March 1988, February 1995, May 1996, July 2003, and December 2003). By doing so, the City acknowledges the integral role of citizen participation in the process of neighborhood improvement, planning and development, and the execution of the Community Development Block Grant (CDBG) Program, Section 108 Loan Guarantee (Section 108) Program, HOME Investment Partnerships Act (HOME) Program, Emergency Shelter Program (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) program of the federal Housing and Urban Development Department (HUD).

This document outlines basic tenets of the citizen participation regulations and will remain in effect throughout the implementation of the City's entitlement awards from the federal government, or until these funds are completely exhausted.

II. OBJECTIVES

The City of Garden Grove utilizes its funding from HUD in accordance with national objectives for the use of those funds and program planning, citizen participation, and implementation processes required by HUD. In brief, every five years the City prepares a 5-Year Plan for Housing and Community Development that includes the identification of priority needs in the community and 5-year goals to address those needs. In accordance with HUD priorities to address affordable housing, the needs of the homeless and other special populations, affirmatively further fair housing, and promote community and economic development, each participating jurisdiction, including the City, sets its own five-year goals to respond to local conditions. Each year, based upon the 5-Year Consolidated Plan, the City then adopts an annual Action Plan to define the use of funds for programs to address those priority needs. Finally, several months after the conclusion of each Action Plan program year, the City prepares a Consolidated Annual Performance and Evaluation Report (Performance Report).

This Citizen Participation Plan, hereinafter referred to as the "CPP", is designed to facilitate two-way communication between the City and its residents on matters pertaining to the use of all federal grant funding from

the U.S. Department of Housing and Urban Development (HUD). The CPP provides for greater visibility of Garden Grove housing and neighborhood improvement programs. It enlists citizen participation to encourage involvement in neighborhood improvement activities and to ensure equitable representation of all segments of the population. It also explains how citizens may provide input, notably through participating in preparation of the Consolidated Plan and Action Plan and in review of the Performance Report.

III. ROLE OF CITIZENS

Citizen involvement is vital to assure that neighborhood improvement policies, procedures, programs and activities are well suited to local needs. Individual neighborhoods possess unique qualities that are more fully understood at the community level among those who reside, own or work within these areas. This knowledge is invaluable to the successful revitalization of communities.

Residents' concerns and ideas may be articulated to the City Council and Neighborhood Improvement and Conservation Commission (NICC). The NICC is an advisory body to the City Council regarding neighborhood improvement issues. The NICC addresses itself to the development, review and adoption of the following areas:

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

Regular meetings of the NICC are held on a quarterly basis, and special meetings may also be held during any month at the call of the Commission Chairperson. A current schedule of Commission meetings may be obtained from the City Clerk's office located at City Hall, 11222 Acacia Parkway, Garden Grove, CA 92840, or by calling (714) 741-5040.

All meetings take place in the Council Chamber located at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, at 6:30 p.m., unless another location and/or time is publicized in advance. Copies of the Agenda for each NICC meeting are posted at the following locations on the Friday immediately preceding each meeting:

- 1. City Hall
11222 Acacia Parkway
Garden Grove, California 92840

2. Community Meeting Center
11300 Stanford Avenue
Garden Grove, California 92840

IV. GUIDELINES FOR CITIZEN PARTICIPATION

The citizen participation process will provide residents of the City the formal opportunity to take part in the development of neighborhood improvement programs and amendments to adopted plans, at a community-wide level in a public forum, before the Neighborhood Improvement and Conservation Commission and City Council. 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 and the submission of the Performance Report, are listed below.

A. Consolidated Plan and Annual Action Plans

Following the preparation of the draft Consolidated Plan or Annual Action Plan, the following steps will be taken to afford the public an adequate opportunity to review and comment on the document:

1. A summary describing the contents and purpose of the proposed Consolidated Plan or Action Plan will be published in three local newspapers serving the English, Hispanic and Vietnamese speaking communities. The summary will also include a list of locations where a complete draft may be obtained;
2. The publication of the summary will commence a 30-day period during which citizens will have the opportunity to examine the proposed Consolidated Plan or Action Plan and to submit comments regarding the draft document. Complete copies of the draft Plan will be available for review at the following locations:

City of Garden Grove
Neighborhood Improvement Division
11222 Acacia Parkway
Garden Grove, CA 92840

Garden Grove Regional Library
11200 Stanford Avenue
Garden Grove, CA 92840

Garden Grove website at www.ci.garden-grove.ca.us

3. A public hearing before NICC and City Council will be held to further provide citizens an opportunity to comment on the draft Consolidated Plan or Action Plan, which must be adopted by the City Council. All guidelines set forth under the Public Comment section of this document will be followed to ensure and encourage citizen participation.

B. Program Amendments

HUD regulations state that a grantee shall amend its Consolidated Plan or Action Plan whenever it decides not to carry out an activity described in the Action Plan, to carry out an activity not previously described, or to substantially change the purpose, scope, location, or beneficiaries of a previously adopted activity. Furthermore, the grantee is required to develop and make public its criteria for what constitutes a substantial change requiring such an amendment.

A substantial change is herein defined as any amendment of the budget for any adopted program in the Action that exceeds 30 percent of the entitlement award for that entitlement program, for that program year, or any addition of a new priority need or goal to the Consolidated Plan. In the event that an amendment to the Consolidated 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 step numbers 1 and 2 as provided under Section IIIA of this CPP. In the event an amendment does not qualify as a substantial change, documentation of the amendment will be made to the current Consolidated Plan or Action Plan, and notification of the amendment will be provided to HUD.

When a substantial amendment is contemplated, a public notice will be published in three local newspapers serving the English, Spanish and Vietnamese speaking communities announcing the availability of a substantial amendment to the Consolidated Plan, Action Plan or an amendment to the CPP for review and comment. Publication of this notice will commence a minimum 30-day period for substantial amendment actions and a minimum 15-day period for amendment to the CPP, during which citizens will have the opportunity to examine the aforementioned plans. At the end of the public review period, the City Council will consider a substantial amendment that allocates funds to a new project.

Substantial amendments to the Consolidated Plan or Action Plan proposing funding for a new activity and any amendments to the Citizen Participation Plan will be reviewed by and must receive approval from the City Council.

C. Performance Report

Upon completion of the Performance Report, and prior to its submission to HUD, a public notice will be published in three local newspapers serving the English, Hispanic and Vietnamese speaking communities announcing the availability of the report for review and comment. Publication of this notice will commence a minimum 15-day period during which citizens will have the opportunity to examine the Performance Report and submit comments regarding the document.

D. 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 under Sections A, B, and C, 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 two separate public hearings annually: one for the purpose of reviewing the draft Consolidated Plan, and the second for the purpose of reviewing program performance through the submission of the Performance Report. All public hearings will be made accessible to the handicapped upon request.

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 ample opportunity to take notice of all scheduled public hearings, all notices regarding such hearings, including the date, time and location, shall be published in a local newspaper of general circulation at least fourteen (14) days prior to date of public hearing. Furthermore, public notices in the Spanish and/or Vietnamese languages will be published in local newspapers of general circulation when pertaining to any projects proposed city-wide such as the Consolidated Plan and Performance Report, or in areas in which the Hispanic and/or Asian populations within the census block group exceeds 25 percent of the census block group's population.

E. Information Access

Included in the Consolidated Plan will be the estimated amount of federal funding available to the City of Garden Grove, and the range of eligible activities, programs, and projects designed to utilize these available funds. Copies of the Consolidated Plan, Action Plan, Citizen Participation Plan, Performance Report, and documents regarding other important program requirements including contracting procedures, environmental policies, fair housing/equal opportunity requirements and relocation provisions, will be available to the public during the regular business hours of 7:30 a.m. to 5:30 p.m. every Monday through Thursday, and from 7:30 a.m. to 5:00 p.m. on alternate Fridays. City Hall is closed every other Friday. The City will, upon request, make all information available in a format accessible to persons with disabilities.

The City of Garden Grove's Neighborhood Improvement Division Office is located at 11222 Acacia Parkway, Garden Grove, CA 92640. Additional information may be obtained by calling (714) 741-5140.

F. Non -English Speaking Residents

The City will provide bilingual assistance whenever determined necessary to afford non-English speaking residents an equal opportunity to comprehend and adequately express their views regarding the planning, implementation, monitoring and evaluation of neighborhood improvement activities.

G. Technical Assistance

In an effort to encourage the submission of views and proposals regarding the Consolidated Plan and 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 Action Plan. Such assistance will include, but is not limited to, the provision of sample proposals, and program regulations and guidelines.

H. Residential Antidisplacement and Relocation Assistance Plan

In an effort to minimize displacement of persons and to assist any persons displaced by governmental actions, the City of Garden Grove has adopted a Residential Antidisplacement and Relocation Assistance Plan. This policy is attached hereto as Attachment A.

V. CITIZEN SERVICE REQUESTS AND GRIEVANCE PROCEDURE

Citizens should be aware that any questions or grievances, regarding any facet of City operations, may be submitted to the City's Neighborhood Improvement Division Office located at 11222 Acacia Parkway, Garden Grove, CA 92840. During the actual development of the Consolidated Plan or Action Plan submission or substantial amendment, written concerns or complaints regarding the Plan or amendment shall initiate a written response indicating assessment of the complaint and/or proposals and actions taken to address the complaints and/or proposals before final submission of the Plan to HUD. The City shall ensure that reasonable attempts are made to respond to questions or complaints in a timely manner, usually within fifteen (15) working days after receipt of the inquiry.

Although HUD will consider objections submitted at any time, such objections should be submitted within thirty (30) days of the submission of the Consolidated Plan, Action Plan, or Performance Report to HUD. Any written inquiries submitted to HUD should be addressed as follows:

U.S. Department of Housing and Urban Development
Los Angeles Area Office, CPD Division
611 West Sixth Street
Los Angeles, CA 90017

Objections submitted to HUD must meet one or more of the following criteria:

1. The description of needs and objectives are plainly inconsistent with available facts and data.
2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant jurisdiction.
3. The Submission does not comply with specific requirements or law.
4. The Submission proposes the undertaking of ineligible activities.

It is incumbent upon an objector to state clearly the grounds for an objection to the Submission, or any other grievance or problem.

Additional criteria may apply for certain projects requiring additional review, such as environmental review. Any notices regarding these projects will refer to both the standard and applicable additional criteria.

ATTACHMENT A
CITY OF GARDEN GROVE
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION
ASSISTANCE PLAN

CITY OF GARDEN GROVE
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE
PLAN
AS AMENDED DECEMBER 8, 2009

This Residential Antidisplacement and Relocation Assistance Plan (RARAP) is prepared by the City of Garden Grove (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 Antidisplacement 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.

On May 21, 1984, the Garden Grove City Council approved a Displacement Policy for residents displaced from substandard structures when determined through City generated activities that eminent health, safety problems or extreme overcrowding exist. In addition, the City adopted a Tenant Assistance Policy for use in conjunction with the property improvement programs.

The City has amended its RARAP to ensure compliance with changes that occurred in January 4, 2005, to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act or URA) 1970, as amended.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, Garden Grove 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.

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.

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.
- 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 condition⁵.
- 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.

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 to be a "dwelling" because such a facility is usually not a place of permanent, transitional or customary and usual residence.

⁵ Pursuant to 24 CFR 42.305, the terms **standard condition and substandard condition suitable for rehabilitation** have the meaning established by the City in its HUD-approved Consolidated Plan required under 24 CFR part 91.205 as part of the housing and homeless needs assessment.

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 an 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 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 of 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 4 through 7 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.

Contacts

The City's Community Development Department (714) 741-5140 is responsible for tracking the replacement of lower-income dwelling units and ensuring that they are provided within the required period.

The City's Community Development Department (714) 741-5140 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.