



Memorandum

Date: July 10, 2019
To: Mark D. Israelson, City Manager
From: Shanette Eaden, Housing and Community Services Manager
Subject: Proposed Amendment to the 2015-2019 Citizen Participation Plan

Summary

In May 2018, the U.S. Department of Housing and Urban Development indefinitely suspended the Assessment of Fair Housing requirement and reinstated the requirement for local government grantees to complete an Analysis of Impediments to Fair Housing Choice (AI). The proposed amendment to the Citizen Participation Plan addresses the suspension of the AFH requirement and incorporates the pre-existing AI requirement.

Background

The U.S. Department of Housing and Urban Development (HUD) requires entitlement communities to provide opportunities for its citizens to participate in an advisory role in the planning, administration, implementation, and assessment of its HUD Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs. The Citizen Participation Plan (CPP) details the manner in which the City will engage the public when creating and/or editing plans as they relate to the use of HUD funds or the establishment of HUD regulatory documents. More specifically, the CPP states how the City will engage the public when writing or amending the Five Year Consolidated Plan of Housing and Community Development Needs (ConPlan) and Annual Action Plan. The ConPlan describes which community needs HUD funds will be used to address over a five year period, while the Annual Action Plan describes which activities listed within the ConPlan will be addressed with the annual allocation of HUD funds.

The Housing and Community Development Act of 1974, as amended, specifically requires CDBG Program grantees to certify that they will affirmatively further fair housing. As a part of the annual application to receive HUD funding, the City certifies that it will affirmatively further fair housing. The certification confirms that the City agrees to abide by the Fair Housing Act by prohibiting discrimination in housing directly or indirectly on the basis of race, color, religion, sex, national origin, age, familial status, or disability. As such, HUD requires the city to conduct an Analysis of Impediments (AI) to Fair Housing Choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

In March 2016, HUD published a new, final rule regarding the obligation to Affirmatively Further Fair Housing. The new rule replaced the AI with an Assessment of Fair Housing (AFH). The AFH is an examination and determination of: 1) fair housing data, 2) assessment of fair housing issues, and 3) identification of fair housing priorities and goals for the implementation and use of the City's HUD funds. In September 2016, the City amended its CPP to include citizen participation requirements related to the AFH.

In January 2017, the City joined nearby cities and housing authorities to conduct a regional Assessment of Fair Housing, as HUD required each AFH to include analysis of regional data. However, in May 2018,

HUD published three notices in the Federal Register that, in effect, suspended the AFH requirement indefinitely and reinstated the pre-existing requirement to complete the AI. Since the regional process was close to completion, the City continued the regional AFH as planned, and received approval from HUD that the final AFH can be submitted in place of the required AI.

The proposed amendment to the CPP indicates the suspension of the AFH requirement and includes consultation and community participation requirements for the City to follow in developing and finalizing its AI. Furthermore, language associated with the AFH will remain in the CPP since HUD has permitted the City to submit the completed AFH in place of the AI. For the AI, this proposed amendment includes the following:

- Holding at least two public hearings for the AI, one during its development and one after its publication;
- Observing a thirty (30) day comment period before the AI is finalized;
- Defining the Substantial Amendment process for amendments to the AI and the Citizen Participation Plan; and,
- Providing other guidelines for access to records, technical assistance, and complaints.

On June 16, 2019, a public hearing notice was placed in the Plano Star Courier to inform citizens of the proposed changes. No comments have been received to date.

Next Steps

If approved, the amendments to the CPP will become effective for the 2015-2019 Five Year Consolidated Plan Year that ends September 30, 2020.

xc: Jack Carr, Deputy City Manager
Lori Schwarz, Director of Neighborhood Services