

City of Albuquerque Citizen Participation Plan

I. OVERVIEW

The Citizen Participation Plan (CPP) provides a guide for citizens and organizations to participate in an advisory role in assisting with the development of the Assessment of Fair Housing (AFH), *Consolidated Plan*, the annual Action Plan and in the review of the Consolidated Annual Performance Evaluation Report (CAPER). The AFH is an analysis of fair housing data, housing issues and contributing factors to housing discrimination, which limit housing opportunity and choice. The AFH identifies goals and priorities to address these issues and encourages collaboration with other entities (public housing authorities, participating jurisdictions, in the area). The *Consolidated Plan (Plan)* establishes the City of Albuquerque's long-range strategy and five-year investment plan for community development, housing and homeless services. The *Plan* allocates federal resources from the Community Development Block Grant Program (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG). The *Plan* is updated each year by the Action Plan, which makes adjustments to the goals, objectives and resources, as may be necessary. The CAPER is a summary of progress toward achievement of the goals and objectives of the Consolidated and Action plans.

Through the procedures outlined in the CPP, the City provides mechanisms to ensure that citizens are informed about the AFH, *Plans* and CAPER; and that citizens have the opportunity to comment on the issues, programs and accomplishments that each establish or review. It is important to note that nothing in the CPP, however, shall be construed to restrict the responsibility and authority of the City, through the Mayor, for development of the AFH, *Plan*, the Action Plan and CAPER in a timely manner.

It is vital that citizens make known their comments concerning the issues, goals, objectives, allocation of federal funds and the progress made toward achieving those purposes. The CPP provides information that shows how citizens may become involved in the AFH, *Plan* program and review while encouraging all citizens, particularly low and moderate income persons, minorities, non-English speaking persons and persons with disabilities, to take an active role. Citizens shall have the opportunity to provide input about the program by submitting comments in the following manner:

A. Directly to:

Department of Family and Community Services
Attention Monica Montoya, Community Development Division Manager
400 Marquette NW Suite 504
Albuquerque, NM. 87102

You may also email comments to Ms. Montoya at mtmontoya@cabq.gov

B. During public hearings and public comment periods.

City of Albuquerque Citizen Participation Plan

- C. Through other venues, which may be scheduled from time-to time, such as community charrettes, focus groups, or other means that may be determined.
- D. Copies of the CPP are available on the City of Albuquerque Department of Family and Community Service’s website under the “Publications” heading. A reasonable number of copies are also available at no charge at the Department of Family and Community Services, Old City Hall Building, 5th Floor, Suite 504, 400 Marquette NW, Albuquerque, NM.

II. CITIZEN PARTICIPATION

The Community Development Division encourages public participation in the development of its AFH, *Plan*, Action Plan and CAPER and any revisions or amendments to these documents that may be necessary. Generally, public participation is encouraged by attendance at public meetings and comment periods. Specific documents may require different notifications and the length of public comment periods may vary (please see detailed information below). Also, in addition to inviting the public at large to participate, specific documents may require encouragement of particular groups, such as public housing residents, advisory boards, community-based organizations, etc.

III. ASSESSMENT OF FAIR HOUSING

The Community Development Division (CD) of the Department of Family and Community Services will present a proposed five-year Assessment of Fair Housing (AFH) in a public meeting. This AFH will assist CD through incorporation of the purposes and policies of the Fair Housing Act in its planning processes. The Fair Housing Act prohibits discrimination and mandates that HUD funded programs and participants “take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice and foster inclusive communities that are free from discrimination,” per Affirmatively Furthering Fair Housing rules and regulations. The following steps will be followed in developing the AFH:

- A. Citizens are encouraged to participate in the development and any revisions to the AFH. Particularly, participation by low- and moderate-income persons, especially those persons living in areas designated by the City as a revitalization area or in a slum and blighted area where CDBG funds are proposed to be used, and by residents of predominately low-and moderate-income neighborhoods, as may be defined by the City. The City shall take appropriate action to encourage all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities, to participate.
- B. The City shall encourage the participation of local and regional institutions, Continuums of Care, and other organizations (including

City of Albuquerque Citizen Participation Plan

businesses, developers, nonprofits, philanthropic organizations and communities-based and faith-based organizations) during the development and implementation of the AFH.

- C. The City shall encourage participation with public housing agencies (PHA) and residents of public housing and assisted housing developments, resident advisory boards, resident councils and resident management corporations, along with other low-income residents of targeted revitalization areas in which the developments are located, during the development of the AFH. The City shall make an effort to provide information regarding the AFH, Affirmatively Furthering Fair Housing strategy activities related to its developments and any surrounding communities so that the PHA may this information available at the annual public hearing(s) for the PHA Plan.
- D. The City shall take reasonable steps to provide language assistance to ensure meaningful access to participation by non-English speaking residents of the community. The City assesses language needs through its Language Access Plan (LAP) and its four-factor analysis, which considers: a) the number of or proportion of LEP persons served or encountered in the eligible service population; b) the frequency with which LEP persons come into contact with the program; c) the nature and importance of the program; and, d) the resources available and costs to the City.
- E. As soon as feasible following the start of the public participation process, the City shall make the HUD-provided data available and any other supplemental information the City plans to incorporate into its AFH available to its residents, public agencies and other interested parties. The City may make the HUD-provided data available to the public by cross-referencing to the data on HUD's web site.
- F. A notice of the proposed AFH and summary of the contents shall be published in a newspaper of general circulation and posted to the Department's website. The notice will also announce the dates of the public hearing, and the date, time and address of a public comment period (public hearing is held before AFH is published for comment) on the proposed AFH and the locations where a reasonable number of free copies of the proposed AFH may be obtained. The summary shall describe the content and purpose of AFH and include a list of libraries, government offices and public places where copies of the entire AFH may be examined.
- G. After a 30-day public comment period, CD staff will consider any comments received in writing, or orally at the public hearing, and if necessary, make appropriate changes to the proposed AFH. A summary

City of Albuquerque Citizen Participation Plan

of these comments or views and a summary of any comments or views not accepted and the reasons why, shall be attached to the final AFH.

- H. The final AFH is sent to the director, Department of Family and Community Services, for review, and then to U.S. Department of Housing and Urban Development. Copies of the final AFH are published on the City's web site and a reasonable number of free copies are available to the public and in a form accessible to persons with disabilities, upon request.

IV. CONSOLIDATED PLAN

CD will present a proposed five-year consolidated plan (*Plan*) for the allocation of Community Development Block Grant, HOME and ESG resources at a public hearing. The *Plan* must be completed in a timely manner for submission to the U. S. Department of Housing and Urban Development. The *Plan* is submitted to the Mayor and City Council for formal approval. The following steps will be followed in developing the Plan:

- A. The first stage of Plan development is the analysis of the AFH and the determination of needs based upon input from the general public, neighborhood associations, and other interested parties. City staff will set a timetable with benchmarks to ensure that work on the *Plan* is accomplished in a timely manner. The City's Affordable Housing Committee will provide Community Development staff with recommendations for a Workforce Housing Plan, as defined in F/S (2) O-14-34, or as amended, to be included in the *Plan*.

The City shall also meet with the City's Planning Department to gain input.

- B. During this process, a minimum of one public hearing will be held for overall community needs and three public hearings for the draft Workforce Housing Plan.
 - 1. Citizens are encouraged to participate in the development and any revisions to the *Plan*. Particularly, participation by low-and moderate-income persons, especially those persons living in areas designated by the City as a revitalization area or in a slum and blighted area where CDBG funds are proposed to be used, and by residents of predominately low-and moderate-income neighborhoods, as may be defined by the City. The City shall take appropriate action to encourage all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities, to participate.
 - 2. The City shall encourage the participation of local and regional

City of Albuquerque Citizen Participation Plan

institutions, Continuum of Care, and other organizations (including businesses, developers, nonprofits, philanthropic organizations and communities-based and faith-based organizations) during the development and implementation of the Plan.

3. The City shall encourage participation with public housing agencies and residents of public housing and assisted housing developments, resident advisory boards, resident councils and resident management corporations, along with other low-income residents of targeted revitalization areas in which the developments are located, during the development of the *Plan*. The City shall make an effort to provide information regarding the *Plan* activities related to its developments and any surrounding communities so that the PHA may this information available at the annual public hearing(s) for the PHA Plan.
- C. The second stage of consolidated plan development is the review of all input. CD staff will conduct a preliminary review to assess feasibility and eligibility. CD staff shall then prepare a listing of needs by subprogram area. CD staff will use this listing to recommend a broad range of targeted (area) programs by category based upon identified needs and input at the public hearing(s) and other forums. CD staff will incorporate the recommendations for housing generated from the Affordable Housing Committee and Planning Department.
 - D. During the third stage of Consolidated Plan development, CD recommends the range of subprograms and the appropriate percentage of the estimated total funds to be allocated to each eligible subprogram (for example, public facilities and improvements, housing, public services, and economic development). This document becomes the *Proposed Consolidated Plan*. A summary of proposed projects and funding allocations from the proposed *Consolidated Plan* will be published in a newspaper of general circulation. After a 30-day public comment period and review of the plan, the Community Development staff, recommends the final *Consolidated Plan*.
 - E. The final *Plan* is sent to the director, Department of Family and Community Services for review and to the New Mexico Mortgage Finance Authority. After these reviews, the Plan is then sent to the Mayor for full review and then to the City Council for approval. The *Plan* is also sent to HUD for approval.

V. ANNUAL ACTION PLAN

The *Plan* sets out the funding priorities for a five year span and the Annual Action Plan is the update. The Consolidated Plan is carried out through Annual Action

City of Albuquerque Citizen Participation Plan

Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the *Plan*. The Annual Action Plan must be completed in a timely manner for submission to the U. S. Department of Housing and Urban Development. The following steps apply to the preparation of the Annual Action Plan:

- A. Community Development staff will review the current Consolidated and Action plans. Following review and discussion of any changes to spending levels, timing of projects, changes to community needs and priorities, project eligibility per HOME, CDBG and ESG regulations, Community Development staff will prepare a proposed Action Plan and investment summary (or similar document).
- B. A notice of the proposed Action Plan and summary of the contents and funding allocations will be published in a newspaper of general circulation and posted to the Department's website. The notice will also announce the dates of the public comment period, and the date, time and address of a public hearing on the proposed Action Plan and the location where a reasonable number of free copies of the proposed action plan may be obtained.
- C. After a 30-day public comment period Community Development staff will consider any comments received, and if necessary, make appropriate changes to the proposed Action Plan.
- D. The Action Plan is sent to the director of the Department of Family and Community Services for review, then the Mayor for full review and then to City Council for final approval. The Action Plan is sent to HUD for approval.

VI. AMENDMENTS TO THE AFH, CONSOLIDATED PLAN/ACTION PLAN

The AFH will be revised in the event of a significant material change in circumstances that call the AFH into continued validity. Examples of significant material changes in circumstances may include:

- A. The President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the City;
- B. The City has experienced significant demographic changes related to zoning, housing plans or policies or development plans or policies;
- C. The City is subject to significant civil rights findings, determinations, voluntary compliance agreements or other settlements.

City of Albuquerque Citizen Participation Plan

Revisions to the AFH will provide 30 days for public comment. All comments received will be handled pursuant to this Citizen Participation Plan.

Substantial amendments to the Consolidated and Action Plans are funding adjustments or reallocations that involve:

- A. Adding, deleting or shifting \$750,000 or 20% or more of the approved funds, whichever amount is less, from one eligible activity to another. An eligible activity is defined at 24 CFR Parts 201 through 206; and/or
- B. The introduction of a project not listed in the current Action Plan, or the removal of a listed project, valued over \$75,000.

Program Income received in any amount will not be subject to a substantial amendment since it is applied across the range of approved funds; balances resulting from program income are addressed in subsequent action plans. New activities valued over \$75,000 and funded with program income are subject to a substantial amendment.

Substantial amendments will be subject to a 30-day comment period following publication of the proposed amendment in a newspaper of general circulation and posting on the City website. A summary of comments or views, and applicable responses, will be attached to the substantial amendment.

VII. SUBSTANTIAL AMENDMENTS DURING EMERGENCY EVENTS

Disaster/emergency events that may require expedited substantial amendments: It may be necessary to expedite substantial amendments to the Consolidated Plan in the event of a declared disaster or emergency. There are three types of disasters/emergency events that may necessitate an expedited substantial amendment including 1) Man-Made-disasters, 2) Natural disasters, and (3) Terrorism. Man-made disasters can include chemical spills, mass rioting, power outages, dam failure, plant explosions, etc. Natural disasters can include earthquakes, tsunamis, hurricanes, tornadoes, wild fires, flooding and public health issues such as wide-spread disease such as the coronavirus disease 2019 (COVID-19). Terrorism events include bomb threats, biochemical attacks like the spread of anthrax, or cyber-attacks like hacking, phishing, and virus distribution, etc. These expedited substantial amendments may include funding new activities and or reprogramming of funds including cancelling activities to meet needs resulting from a declared disaster or emergency. Therefore, the City of Albuquerque may utilize CDBG, funds to meet these needs with a 5-day public comment period instead of a 30-day public comment period which is otherwise required for substantial amendments. To utilize ESG funds for emergency events only public notification will be required. These amendments require the signature of the City of Albuquerque's Department of Family and Community Services Director or designated representative, adherence to state and local laws requiring

City of Albuquerque Citizen Participation Plan

contracts and procurement, and HUD waiver and/or approval, but do not require public notice of 30 days.

VIII. PROGRAM EVALUATION

CD shall review the degree to which projects and activities achieve their objective.

A. Performance Reporting

CD prepares a Consolidated Annual Performance Evaluation Report (CAPER) for the U. S. Department of Housing and Urban Development within 90 days following the end of each program year. This report includes:

1. Cumulative project progress
2. Cumulative status of funds
3. Direct benefit activities
4. Actions to affirmatively further fair housing objectives
5. Displacement of established residents from their neighborhoods
6. Other HUD-required information

CD will hold a public hearing to distribute and discuss the cumulative accomplishments of *Plan* projects and programs. A reasonable number of copies of the performance report shall be made available to citizens upon request.

B. Comments

Individuals or groups may submit comments on all aspects of the CAPER, including the performance of contractors. Comments should be submitted in writing or in email (mtmontoya@cabq.gov) to the Department of Family and Community Services, *Consolidated Plan* program.

C. Complaints

Complaints should be submitted in writing or email (mtmontoya@cabq.gov) to the Department of Family and Community Services, *Consolidated Plan* program. Individuals or groups filing complaints shall receive a written response from the Department within 15 working days of receipt of the

City of Albuquerque Citizen Participation Plan

complaint. The Department shall maintain a file on all complaints and responses.

IX. PUBLIC HEARINGS AND PUBLIC MEETINGS

Public hearings held by the Community Development Division shall be held at times and locations which permit broad participation by citizens (as noted earlier in this CPP), elected and other government officials, organizations and other groups eligible for projects and activities funded by the Consolidated Plan program.

A. A minimum of two public hearings per year shall be held: The Community Development Division shall hold at least one public hearing to obtain citizens' views on housing, homeless services and community development needs. Another public hearing will be held to present and discuss the progress towards achieving the goals of the *Consolidated Plan*.

B. The needs of non-English speaking residents who desire to participate in public hearings shall be provided for on a reasonable basis, as well as citizens needing reasonable accommodations.

C. Notice for Public Hearings – At a minimum, notice for all public hearings will include: 1) legal advertisement in a newspaper of general circulation, and 2) the City's web page. Notices shall be issued at least 14 days prior to the date of the hearing and shall contain at a minimum the date, time, location, topics for consideration, procedures of the hearing, and a location where additional information may be obtained. The AFH, *Plan*, Action Plan and CAPER can be provided in alternative formats (i.e. Braille/large print, audio tape) for the disabled upon request; the AFH, *Plan*, Action Plan and CAPER may be translated into Spanish for limited-English-proficient (LEP) Spanish speaking persons, upon request.

D. Public Meetings are open for attendance by the public and are subject to the New Mexico Open Meetings Act (nmsa1978). Agendas for such meetings shall be posted a minimum of 72 hours in advance and must be consistent with accessibility and reasonable accommodations requirements in accordance with section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8 as well as the Americans with Disabilities Act of 1973 and implementing regulations at 28 CFR part 35 and 36, as applicable.

X. CITIZEN PARTICIPATION DURING EMERGENCY EVENTS

In the event of a public health emergency or other emergency event requiring social distancing, the City of Albuquerque has established expedited procedures to draft, propose, and/or amend the Consolidated Plan, the Action Plan or solicit citizen participation. The City of Albuquerque must submit a request for waiver

City of Albuquerque Citizen Participation Plan

to HUD no less than two (2) days prior to utilization of the requested waiver. Expedited procedures must include notice and reasonable opportunity to comment of no less than five (5) days. The 5 day period can run concurrently for comments on Action Plan amendments, Consolidated Plan amendments and amended Citizen Participation Plans. In person public hearings are not required. The City of Albuquerque may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limit public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the City's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses. Instructions for participation in the virtual public meeting will be detailed in the public notice for the meeting. During times of a national disaster or pandemic, such as COVID-19, advertisements and public notices may be solely on the City's website. Public comments received during the public comment period and at the virtual public meeting will be documented and held on file with the Community Development Division Manager. Notice of a public hearing scheduled under these circumstances must be posted on the City of Albuquerque's website no less than 72 hours prior to the hearing. Accommodations for disabilities and non-English speaking residents will be made with a 48 hour notice prior to the scheduled meeting.

XI. ACCESSIBILITY OF INFORMATION

The Department of Family and Community Services, *Consolidated Plan* Program, shall ensure full public access to program information provided such information does not infringe upon any individual rights. Upon request, information will be available during working hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Department of Family and Community Services office. In addition, the current Assessment of Fair Housing, current Consolidated Plan, current Action Plan, current CAPER and the Citizen Participation Plan can be provided in alternative formats (i.e. Braille/large print, audio tape) for the disabled and may also be translated into Spanish for limited-English-proficient (LEP) Spanish speaking persons, upon request.

- A. When the City begins planning for the five-year program, the following information shall be available:
 1. The total estimated amount of Community Development Block Grant, HOME and ESG funds available for community development, homeless services and housing activities, including planning and administrative activities.
 2. The range of activities that may be undertaken with these funds and the kind of activities previously funded in the community

City of Albuquerque Citizen Participation Plan

3. The Citizen Participation Plan and schedule meetings and hearings
 4. The role of citizens in the program
 5. A summary of other program requirements.
- B. The following information will be made available upon request in compliance with the New Mexico Inspection of Public Records Act (NMSA 14-2-1 to 14-2-12) and City Ordinance (2-6-4-3; 2-7-6-1 to 2-7-6-6) and City Administrative Instruction:
1. All mailings and promotional material
 2. Records of meetings and hearings
 3. All key documents, including all prior applications, letters of approval, grant agreements, the Citizen Participation Plan, performance reports, evaluation reports, audit and other reports required by HUD and the City and the proposed and approved application for the current year.
 4. Copies of federal regulations and issuances governing the program along with City Council resolutions and ordinances.

XII. AMENDMENTS TO THE CITIZENS PARTICIPATION PLAN

The Citizen Participation Plan shall remain in effect until all projects and activities funded under Title I of the Housing and Community Development Act of 1987, as amended, are completed, or until it is amended or superseded by a new plan. This Citizen Participation Plan may be amended at any time. Amendments to the Citizen Participation Plan must be published in the newspaper and provide citizens with a 15 day comment period. Amendments must be posted to the City's website.