

**Notice of Public Hearing & Public Comment Period  
City of Fargo**

The City of Fargo is proposing various actions related to its Community Development Block Grant (CDBG) and HOME Investment Partnerships programs, which are grants awarded to the City by the U.S. Department of Housing and Urban Development (HUD). Following a public comment period and subsequent City Commission action on April 20, 2020, a recommendation regarding these actions will be forwarded to HUD for their consideration and approval. All citizens are welcome to submit comments at any time during the public comment period or at the public hearing.

**Public Comment Period:** March 10 through April 8, 2020

**Send written comments or phone:** City of Fargo  
Planning and Development Department  
Attn: Community Development Planning Coordinator  
225 4th Street North, Fargo ND 58102  
701.476.4144

**Electronic Comments:** [planning@FargoND.gov](mailto:planning@FargoND.gov)

**Public Hearing:** Monday, March 23, 2020 - 5:15 p.m.  
City Commission Chambers  
225 4th Street North, Fargo ND 58102

**Final City Commission Consideration:** Monday, April 20, 2020

**Summary of Proposed Actions:** Outlined Below

**AMENDMENTS**

**1. 2018 Action Plan**

○ **Activity Amendment: Slum & Blight Abatement/Hazardous Property Clearance at 916 5 Avenue South**

This activity is included in the City's 2018 Annual Action Plan. Each time location, project scope, and budget are identified, the City must make a "substantial amendment" to the plan. Activities will include demolition and future construction of a single-family housing unit in partnership with the Cass Clay Community Land Trust (CCCLT). *National Objective: Low to Moderate Income Housing Benefit [570.208(a)(3)]. CDBG Matrix Codes: 04 Clearance & Demolition and \*12 Construction of Housing. Eligibility 24 CFR Part 570.201 (a) and 570.201 (m). \*CDBG funds will only be used to fund demolition, construction of housing will be funded and performed by the CCCLT.*

**Financial** – \$65,000 is the estimated combined cost for any environmental (e.g., asbestos removal, hazardous materials abatement, etc.) and demolition-related expenses.

**2. 2019 Action Plan**

○ **Activity Amendment: Affordable Housing Development at 712 4 Avenue North & 314/320/324 7 Street North**

This activity is included in the City's 2019 Annual Action Plan. Each time location and project scope are identified, the City must make a "substantial amendment" to the plan. Activities will include disposition of City-owned land previously purchased with CDBG funds. These properties will be donated to an affordable housing developer to build new units which will be occupied by households earning 80% or less of the Area Median Income. At least 51% of the units built on this site must meet this criteria. Reference items #2-3 in the "Changes of Use" section of this notice. *National Objective: Low to Moderate Income Housing Benefit [570.208(a)(3)]. CDBG Matrix Codes: 02 Disposition and \*12 Construction of Housing. Eligibility 24 CFR Part 570.201 (b) and 570.201 (m). \* CDBG funds will not be used to fund future construction, unless otherwise included in a future amendment involving citizen participation.*

**Financial** – No new costs associated with this activity amendment; property will be donated.

**3. Citizen Participation Plan**

HUD requires its Grantees to adopt a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation related to its HUD HOME & CDBG programs. The current Citizen Participation Plan is outdated and periodic updates are recommended. A draft copy of the amended plan may be reviewed at [www.FargoND.gov](http://www.FargoND.gov) or by request through the Planning & Development Department.

## **CHANGES OF USE**

### **1. Change of Use at 11 11 Street North**

CDBG funds were used in 2014 to eliminate conditions of slum and blight at this location. At this time, the City intends to sell this property to the entity with the highest offer and/or best use plan in the neighborhood. The minimum offer accepted must be equal to or more than the current fair market value as determined by an appraisal (underway). With the initial HUD National Objective being met (i.e., slum & blight removal) and no eligible activities proposed or materialized over the past 6 years, the City must now change the use at this site and sell the land to another entity which may or may not directly benefit low and moderate income beneficiaries. Proceeds from the sale will replenish the local CDBG account and become available for use in the City's upcoming 2020 Action Plan.

### **2. Change of Use at 712 4 Avenue North & 314/324 7 Street North**

CDBG funds were used between 2008 and 2013 to eliminate conditions of slum and blight at these locations. At this time, the City intends to release a Request for Proposals to redevelop this site as a new eligible CDBG use activity, affordable housing. Activities will include disposition of City-owned land previously purchased with CDBG funds. Once an acceptable proposal is received, the new activity will be included in the 2019 Action Plan under the existing Affordable Housing Development activity (see Item #2 in the "Amendments" section of this notice). *National Objective: Low to Moderate Income Housing Benefit [570.208(a)(3)]. CDBG Matrix Codes: 02 Disposition and \*12 Construction of Housing. Eligibility 24 CFR Part 570.201 (b) and 570.201 (m). \* CDBG funds will not be used to fund future construction, unless otherwise included in a future amendment involving citizen participation.*

### **3. Change of Use at 320 7 Street North**

CDBG funds were used in 2002 to purchase this vacant property to support the adjacent Native American Program offices (relocated in 2008). At this time, the City intends to release a Request for Proposals to redevelop this site as part of a larger combination of sites (see #2 above). The new use will be affordable housing, which is an eligible CDBG activity. Activities will include disposition of City-owned land previously purchased with CDBG funds. Once an acceptable proposal is received, the new activity will be included in the 2019 Action Plan under the existing Affordable Housing Development activity (see Item #2 in the "Amendments" section of this notice). *National Objective: Low to Moderate Income Housing Benefit [570.208(a)(3)]. CDBG Matrix Codes: 02 Disposition and \*12 Construction of Housing. Eligibility 24 CFR Part 570.201 (b) and 570.201 (m). \* CDBG funds will not be used to fund future construction, unless otherwise included in a future amendment involving citizen participation.*

Comments and suggestions from the public are encouraged during the public comment period and/or at the public hearing (schedule above). Additional information on the proposed actions is available by request through the Planning and Development Department. See contact information below.

The facility is serviced by public transit, accessible and can accommodate persons with disabilities. Alternative formats of this information or reasonable accommodations for persons with hearing loss, vision loss, disabilities or limited English proficiency, including the availability of interpretation and translation services, will be made upon request (48 hours of notice is required). Anyone who requires these services or an auxiliary aid to fully participate in the hearing should contact the Planning and Development Department at 701.241.1474/[Planning@FargoND.gov](mailto:Planning@FargoND.gov), or the City of Fargo's Section 504/ADA Coordinator Brock Morrison at 701.298.6966 to arrange for services. To access TTY/ND Relay service dial 800.366.6888 or 711. In accordance with Federal regulations and City of Fargo policies, services are provided without regard to race, color, religion, sex, disability, familial status, national origin, age, marital status, veteran status, sexual orientation, gender identity, public assistance, domestic violence, lawful activity, or condition protected by applicable federal and state laws. The City is an equal employment/equal housing opportunity agency.



## Citizen Participation Plan for HUD Programs

Community Development Block Grant (CDBG)  
HOME Investment Partnerships Program (HOME)

If you would like to request the Citizen Participation Plan in an accessible format (e.g. oral, Braille, electronic, or large print copies), or translation requests, please contact the Planning and Development Department at 225 4th St N, Fargo, ND 58102 (701-241-1474, ND Relay TTY 800-366-6888 or 711) or [Planning@FargoND.gov](mailto:Planning@FargoND.gov).

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## Executive Summary

The City of Fargo receives funding from the U.S. Department of Housing and Urban Development (HUD) for two federal programs: the Community Development Block Grant (CDBG) and the HOME Investment Partnerships (HOME). The City then distributes this funding to Fargo organizations and residents.

As a recipient of these federal funds, the City is required to adopt, publish, and follow a Citizen Participation Plan. This document outlines when and how the City of Fargo will involve residents, business owners, and other stakeholders in identifying community needs and priorities for spending federal CDBG and HOME funds.

The Citizen Participation Plan involves citizens through public comment and public hearings in the following plans, assessments, and reports: Consolidated Plan, Annual Action Plan, Assessment of Fair Housing, Consolidated Annual Performance and Evaluation Report, and any substantial amendments or revisions, and amendments to the Citizen Participation Plan.

The calendar below is an outline for the different types of public participation activities for HUD funded activities and when they occur. At a minimum, the City will hold two public hearings per program year, conducted at two different stages of the program year. This calendar is for illustrative purposes only. The dates of any activity listed are subject to change.

May 1	Beginning of program year
July	CAPER comment period (15 days) CAPER due to HUD by July 31
September - December	Community Consultations <b>Public Hearing #1: Public Input Hearing (2 week notice)</b>
October - January	Call for Proposals, Award Recommendations, drafting Action Plan
February - March	<b>Public Hearing #2: Action Plan Public Hearing (2 week notice)</b> Action Plan Public Comment Period (30 days) Action Plan Approved by City Commission
March 15	Action Plan Submission to HUD
April 30	End of program year

## I. Introduction to Community Development and HUD Programs

### What is Community Development?

*Community Development* is a practice involving research, evaluation, collaboration, and strategic planning, mostly associated with affordable housing, homelessness, employment, transportation, and community resources and assets (e.g., social, environmental, political, cultural, financial, etc.). The City of Fargo has a Community

Development (CD) Division within the Planning & Development Department. The CD Division is responsible for leading plan development of its Department of Housing and Urban Development (HUD) grants, which include the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Grant (HOME). The City's Community Development Committee works with the Planning & Development Department to advise the City Commission regarding these grant funds. The City Commission maintains final approval of annual and consolidated plans and budgets.

### **Community Development Block Grant (CDBG)**

The goal of the CDBG program is to develop viable urban communities by providing decent housing and a suitable living environment and expand economic opportunities principally for low- and moderate-income persons. It is a program designed to be flexible and tailored to community development needs and priorities. At least 70% of CDBG funds in a year must be used to benefit people with low and moderate incomes. Eligible activities under CDBG include, but are not limited to:

- Acquisition of real property
- Relocation and demolition
- Rehabilitation of residential and non-residential structures
- Construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes
- Public services, within certain limits
- Activities relating to energy conservation and renewable energy resources
- Provision of assistance to profit-motivated businesses to carry out economic development and job creation/retention activities

### **HOME Investment Partnerships (HOME)**

The goal of the HOME program is to create affordable rental or ownership housing for low-income households. Because of this goal, outcomes and eligible activities under HOME are narrower than CDBG. However, there is still flexibility within these eligible activities to enable communities to respond to particular affordable housing challenges in their communities. All beneficiaries of HOME programs or projects must have incomes at or below 80% of the area median income (AMI). Specific activities under HOME may have stricter income requirements. Eligible activities under HOME include:

- New construction (ownership or rental)
- Rehabilitation (ownership or rental)
- Homebuyer Assistance
- Tenant-based Rental Assistance

## II. Definition of Citizen Participation Plan Terms

This section contains definitions of frequently used terms and phrases used throughout the Citizen Participation Plan.

### Low- and Moderate-Income Households and Neighborhoods

HUD regulations require that a minimum percent of funding must benefit people with low to moderate incomes. Depending on the program, HUD allows the City to use two methods to determine whether a program or project is benefitting people with low to moderate incomes. For the HOME program, the City may only use Method 1. For CDBG, the City may use either method.

These are general definitions. A project or program may have specific (or lower) income requirements to be considered initially eligible to participate.

Method 1: Low- to Moderate-Income Household: HUD defines low- to moderate-income thresholds based on area median income (AMI) and family size on an annual basis. AMI is the number at which half of all households' incomes are below and half are above. HUD generally considers a household as low- to moderate-income if its income is at or below 80% of the AMI.

*Example*: Sally lives alone and earns \$40,000 a year. The AMI of a one-person household in her area is \$100,000. Sally qualifies as low- to moderate-income because she earns 40% of the AMI.

Method 2: Low- to Moderate-Income Neighborhood ("Area Benefit"): This method does not look at the income of a specific household, but rather all the people living in a particular area. HUD uses estimates from the American Community Survey to determine whether 51% or more of people living in an area make 80% or less of AMI. If so, this area is considered to be a "low- to moderate-income area." The City follows determinations made by HUD as to which census tracts qualify.

### Public Notice

Public notices are utilized to alert the public to a public comment period or to give adequate and timely notice of a public hearing or meeting. A public notice will be published in *The Forum* and on the City's website. Public notices will contain: a summary of the contents and purpose of the proposed plan or amendment, a list of locations where a full draft can be accessed, length of the public comment period, and how interested parties can submit comment.

In addition, public notices for public hearings/meetings will contain: a description of the meeting location as accessible to individuals with disabilities, information on how to request reasonable accommodations, the availability of language interpretation and/or translation services and how to request them, contact information for the Section 504

coordinator, state TTY/Relay information, and non-discrimination and equal employment/equal housing statements.

The City may also alert the public and interested community development partners through flyers, e-mail distribution lists, social media, press releases, and other methods.

### Public Comment

During a public comment period, residents, public agencies, and other interested parties may submit comment the following ways:

- In writing:
  - In-person or mailed to City of Fargo, Planning & Development, 2nd Floor, 225 4th St N, Fargo, ND 58102
  - Via e-mail to [Planning@FargoND.gov](mailto:Planning@FargoND.gov)
  - Online via the Department's "Contact Us" page on the City of Fargo's website, currently located at: <http://fargond.gov/city-government/departments/planning-development/contact-us>
- Verbally:
  - Attending and speaking at the public hearing (as applicable)
  - Via telephone to the Planning & Development's office at 701.241.1474 TTY 800.366.6888 or 711
  - In-person to the Planning & Development's office, 2nd Floor, Fargo City Hall, 225 4th St N, Fargo, ND 58102

### Planning & Development

Planning & Development is the department of the City of Fargo which administers HUD funds. When instructed in the Citizen Participation Plan to contact the Planning & Development Department, interested parties can do so in the following ways:

City of Fargo Planning and Development 225 4th Street North Fargo, ND 58102	E-mail: <a href="mailto:Planning@FargoND.gov">Planning@FargoND.gov</a> Phone: 701.241.1474 TTY: 800.366.6888 or 711 Fax: 701.241.1526
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## III. Encouraging Citizen Participation

Citizen participation is essential to the City in identifying community development needs, assessing the effectiveness of ongoing housing and community development programs, and developing community development priorities. Citizen participation in the following HUD reports and plans is mandated. The reports and plans are listed below along with a brief description of the purpose of the plan or report.



## Description of HUD Plans and Reports

1. Five-Year Consolidated Plan: The Five-Year Consolidated Plan (also referred to as the Five-Year Plan or Consolidated Plan) is a roadmap or framework for the City's priorities and goals related to housing and community development using federal funds. As part of the planning process, the City consults with residents and stakeholders as to the needs and market conditions to be able to make data-driven, place-based investment decisions. The City uses the Consolidated Plan to help make annual funding decisions and must demonstrate to HUD that annual projects align with the Consolidated Plan's goals, strategies, and priorities.
2. Substantial Amendment to the Consolidated Plan: From time to time, there may be a need to amend the goals, strategies, or priorities identified in the Consolidated Plan. Regulations allow for the City to amend the original document to change the purpose, location, scope, or beneficiaries of activities in order to reflect changes in the community or respond to the capacity of local organizations or the City to carry out the work.
3. Annual Action Plan: The Annual Action Plan identifies the specific projects or programs in the community which will receive funds from HUD programs. It provides 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 Consolidated Plan.
4. Substantial Amendment to the Annual Action Plan: As with the Consolidated Plan, the City may amend the purpose, location, scope, or beneficiaries of activities identified in an Annual Action Plan. This could occur to remove a program or project that is unable to come to fruition, or to add new projects or activities as needs arise. A substantial amendment to the Annual Action Plan may or may not require a substantial amendment to the Consolidated Plan.
5. Consolidated Annual Performance and Evaluation Report (CAPER): The CAPER is an annual report to HUD and the community about accomplishments and progress toward Consolidated Plan goals during the program year. The City also reports on the beneficiaries of projects and programs which received HUD funding to demonstrate compliance with civil rights requirements and ensure at least 70% of funding has benefitted low- to moderate-income neighborhoods or individuals. CAPERs are due 90 days after the close of the program year.
6. Analysis of Impediments to Fair Housing Choice (AI): The Analysis of Impediments to fair housing addresses patterns of integration and segregation; racially or ethnically concentrated areas of poverty; disparities in access to opportunity; and disproportionate housing needs. The AI helps to identify fair housing issues and related contributing factors. The City will then use this information to set goals to overcome fair housing issues and related contributing

factors. Those goals inform subsequent housing and community development planning processes.

### Encouragement of Citizen Participation from Particular Groups

The City encourages all residents and stakeholders to participate in developing and implementing the plans and reports outlined in the previous section, "Description of HUD Plans and Reports." The City especially encourages participation from the following:

1. Low- and moderate-income persons, particularly those persons:
  - a. living in areas designated by the City as a revitalization area
  - b. living in a slum and blighted area
  - c. living in areas where CDBG funds are proposed to be used
2. Residents of predominantly low- and moderate-income neighborhoods
3. Minorities
4. Non-English speaking persons
5. Persons with disabilities

The City also especially encourages participation from the following types of organizations in developing and implementing the Analysis of Impediments, Consolidated Plan, and Annual Action Plan:

1. Local and regional institutions
2. Continuums of Care
3. Other organizations, both private and public, such as businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations
4. In conjunction with consultation with the Fargo Housing and Redevelopment Authority (FHRA), the City will encourage the participation of residents of public and assisted housing developments including any resident advisory boards, resident councils, and resident management corporations
5. Other low-income residents of targeted revitalization areas in which the FHRA's developments are located
6. FHRA will be provided information about Consolidated Plan activities, the Analysis of Impediments to Fair Housing Choice, and Affirmatively Furthering Fair Housing strategies and activities if those activities are related to the PHA's developments and surrounding communities. FHRA will then make this information available at its annual public hearing(s) required for the PHA Plan.

The City will consult with the following in developing the Consolidated Plan:

1. Broadband internet service providers
2. Organizations engaged in narrowing the digital divide
3. Agencies whose primary responsibilities include the management of flood prone areas, public land, or water resources

#### 4. Emergency management agencies

##### Community Development Mailing List

The City of Fargo's Planning & Development staff maintain a mailing and e-mail list of housing and community organizations in the area who have opted in. The City uses this list to keep in communication with organizations regarding community meetings, public hearings, requests for proposals, and more related to the City's HOME and CDBG programs. An organization can be placed on the mailing and/or e-mail list by contacting Planning & Development.

#### IV. Accessibility

##### **Access to Meetings, Materials, and Records**

*Meetings and Public Hearings.* The City provides citizens with reasonable and timely access to local meetings and public hearings. For the purposes of this section, "meetings" shall mean both meetings and public hearings. The notice period and location of notices are further detailed in Section V. Meetings will be held in a location accessible for those with disabilities. All public hearings and most public meetings are held at Fargo's City Hall, which was constructed in 2018 and is a fully accessible location serviced by public transit. If meetings are held in an alternative location, the City will locate a facility serviced by public transit and accessible to individuals with disabilities.

The City will provide translated document summaries, documents in alternative formats, or interpretative services at meetings for community members with a disability or limited English proficiency. The City will preemptively provide these services if a significant number of individuals with interpretation or translation needs are reasonably expected to participate. Public notices will indicate if these services are scheduled to be available at a meeting. Otherwise, the City will provide these reasonable accommodations to any individual with a requested notice of forty-eight (48) hours to Planning and Development. All public notices for meetings and hearings related to HUD programs will make note of the availability of these services and the contact information to request them.

*Availability to the Public.* The following documents, both proposed and as adopted, will be available to the public. A reasonable number of free copies will be provided upon request to Planning and Development. The documents will be made available in accessible formats (e.g. oral recordings, Braille, electronic, or large print) upon request to Planning and Development.

- Consolidated Plan
- Annual Action Plan
- Consolidated Annual Performance and Evaluation Report
- Substantial Amendments
- Citizen Participation Plan

- Analysis of Impediments to Fair Housing Choice (and any revisions)

Full-length draft documents will be made available to the public in the following ways.

Electronic Formats

- Online via the City's official website, [www.FargoND.gov](http://www.FargoND.gov)
- Via e-mailed PDF

Hard Copy Formats (during the location's normal business hours)

- Planning and Development at Fargo City Hall, 2nd Floor, 225 4th St N, Fargo, ND 58102
- Fargo Main Library at 102 3rd St N, Fargo, ND 58102
- Dr. James Carlson Library at 2801 32nd Ave S, Fargo, ND 58103
- Northport Library at 2714 Broadway N, Fargo, ND 58102
- Fargo Housing and Redevelopment Authority at 325 Broadway N, Fargo, ND 58102

*Access to Records.* The City will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the City's Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and its use of assistance under HUD programs during the preceding five years. Requests can be made to Planning & Development. Costs for duplication of materials and staff time to produce records will be subject to North Dakota open records laws beginning at North Dakota Century Code §44-04-17.1. A reasonable number of free copies shall be provided.

**Limited English Proficiency (LEP)**

The City of Fargo has adopted a Language Access Plan which ensures the City will take reasonable steps to provide language assistance to ensure meaningful access to participation by non- or limited- English-speaking residents in federal programs. The City will provide: translated notices, translated summaries of plans and reports, translated application materials, oral interpretation of plans and reports, and oral interpretation at public meetings and hearings upon request to Planning and Development.

The City of Fargo is unaware of non-English language publications in which to publish public notices. However, there are many groups in the area which provide services to individuals with limited English proficiency. Notices of input meetings and public hearings will be sent to organizations which frequently work or come into contact with LEP individuals. This may include, but is not limited to, Fargo Public Schools' Adult Education Center, Cultural Diversity Resources, and the New American Consortium. Many other organizations engaged in this work are already on the Planning & Development Department's community development mailing list.

## V. Development of Plans and Reports

The following sections define the steps the City will take to engage residents and stakeholders in developing the Consolidated Plan, the Annual Action Plan, Consolidated Annual Performance and Evaluation Report (CAPER), and the Analysis of Impediments to Fair Housing Choice (AI).

### **Consolidated Plan/Annual Action Plan/Analysis of Impediments**

The public participation requirements for the Consolidated Plan, Annual Action Plan, and Analysis of Impediments to Fair Housing Choice are the same. During the initial year of a Consolidated Plan (e.g. 2020's Annual Action Plan under the 2020-2024 Five-Year Consolidated Plan), both the Consolidated Plan and the Action Plan will be prepared at the same time under the same public participation process. A new Analysis of Impediments to Fair Housing Choice will be conducted with each new Five-Year Consolidated Plan.

#### **Step 1: Initial Public Input Hearing**

The City of Fargo's Community Development division will convene a public hearing prior to publishing the Consolidated Plan/Annual Action Plan/Analysis of Impediments to Fair Housing Choice. This public hearing will obtain the views of citizens on housing and community development needs (including priority non-housing community development needs), the development of proposed activities, and proposed strategies and actions for affirmatively furthering fair housing consistent with the Analysis of Impediments to Fair Housing Choice (AI). It will also provide an overview of the previous program year's performance by presenting a summary of the previous year's Consolidated Annual Performance and Evaluation Report (CAPER).

**Analysis of Impediments to Fair Housing Choice (AI) Only:** As soon as is feasible, the public will be provided a link to the City's website where residents, public agencies, and other interested parties can access HUD-provided data and any other supplemental information the City plans to incorporate into the AI .

**Hearing Time and Location.** The initial public hearing during the development of the Consolidated Plan/Annual Action Plan/ Analysis of Impediments to Fair Housing Choice will be held at Fargo City Hall at 225 4th Street North, Fargo, ND 58102. The initial public input hearing may be in lieu of a regularly-scheduled Community Development Committee meeting, or it may be scheduled as a separate meeting. Public hearings are typically held during the day. The City may conduct a second public input meeting during the evening to reach more potential or actual beneficiaries of CDBG and HOME programs.

**Public Notice.** Public notice will be given no later than two (2) weeks before the public hearing. The public notice and materials available at the public hearing will contain the following information for citizens, public agencies, and other interested parties:

- A description of the funding sources available
- The amount of assistance the City expects to receive, including grant funds and program income
- The range of activities that may be undertaken
- Plans to minimize displacement of persons and to assist any persons displaced, with specific types and levels of assistance the City will make available (or require others to make available) to persons displaced, even if the City expects no displacement to occur. At the public hearing, copies of the City's Residential Anti-Displacement, Replacement Housing, and Relocation Assistance Plan will be available.
- The estimated amount that will benefit persons of low- and moderate-income
- The deadline for submitting proposals

## Step 2: Call for Proposals

After the initial public input hearing, the City of Fargo's Community Development division will solicit proposals from community organizations for programs or projects to receive funding for the program year. All eligible projects and activities must be a HOME-eligible project or program; and/or meet one of the three national objectives of the CDBG program which are:

- Benefit to low- and moderate-income persons
- Addressing slums and blight, or
- Meeting a particular urgent community development need.

Planning & Development staff will make a preliminary determination of eligibility under federal rules and regulations and will review the proposals for completeness (threshold review). All proposals must be completed in their entirety and accurately describe the activity and/or project for which funds are requested.

After this initial eligibility review, staff will recommend projects to the Community Development Committee. The Community Development Committee will advise a selection of projects for funding to the City Commission.

The final stage of funding consideration will consist of a public hearing held at a City Commission meeting. In general, around 1-3 projects depending on funding will be approved for inclusion into that year's Annual Action Plan.

The City of Fargo may initiate a Call for Proposals throughout the program year as reprogrammed funds become available.



### Step 3: 30 Day Public Comment Period and Public Hearing

Public Comment. After the City Commission approves the proposed budget and activities for the program year, City staff will draft the plan. Upon staff completion of the draft, it will be published for a public comment period of no less than thirty (30) days.

Public Notice. Public notice of the 30 day public comment period for the draft Consolidated Plan/Annual Action Plan/Analysis of Impediments to Fair Housing Choice will be published the day before the public comment period begins.

Public Hearing. During the public comment period, the City will hold a public hearing to receive comments on the proposed Consolidated Plan/Annual Action Plan/Analysis of Impediments to Fair Housing Choice during a regularly scheduled City Commission meeting. Notice of the public hearing will be published no less than two (2) weeks prior to the scheduled hearing. In most cases, the City expects to publish the notice of the public hearing concurrently with the public comment notice.

### Step 4: Submission to HUD

At the conclusion of the public comment period, staff will compile a summary of comments or views received, and a summary of any comments or views not accepted and the reasons why and attach it to the final plan or Analysis of Impediments to Fair Housing Choice. This final document will be presented to the City Commission for approval. Once authorized to do so by the City Commission, staff will submit the final plan or AI to HUD.

### **Consolidated Annual Performance and Evaluation Report (CAPER)**

The CAPER is an annual report to HUD and the community about accomplishments and progress toward Consolidated Plan goals during the program year. The City also reports on the beneficiaries of projects and programs which received HUD funding to demonstrate compliance with civil rights requirements and ensure at least 70% of funding has benefitted low- to moderate-income neighborhoods or individuals. CAPERs are due 90 days after the close of the program year unless granted an extension by HUD.

### Step 1: Preparing the Report

Planning & Development Staff will draft the annual report (CAPER). During this time, staff will consult with community organizations and local agencies to solicit updated information about activities undertaken during the program year to further the goals of the Consolidated Plan/Annual Action Plan.

### Step 2: Publishing Draft Report

Public Comment. Once complete, the draft CAPER shall be made publicly available for a public comment period of no less than fifteen (15) days.

Public Notice: Notice of the opening of the public comment period will be published the day before the public comment period begins.

### Step 3: Submission to HUD

After the conclusion of the public comment period, Planning & Development staff will compile a summary of comments or views submitted during the public comment period, and a summary of any comments or views not accepted and the reasons why and attach it to the final CAPER. The CAPER will then be submitted to HUD.

## VI. Amendments to Plans and Assessments

### **Amendments to the Consolidated Plan or Annual Action Plan**

From time to time, changes in community conditions, City staff capacity, staff capacity of organizations receiving HUD funding, or written direction from HUD may require the City to amend a Consolidated Plan or Annual Action Plan. The following decisions require an amendment to a Consolidated Plan or Action Plan:

- A change in allocation priorities
- A change in the method of distribution of funds
- Carrying out an activity, using funds from any program covered by the consolidated plan (including program income, reimbursements, repayment, recaptures, or reallocations from HUD), not previously described in the action plan
- A change in the purpose, scope, location, or beneficiaries of an activity

#### *Substantial Amendment*

An amendment is considered substantial when:

1. Changes in the use of CDBG funds from one eligible activity to another are made
2. Changes in funding by at least 10% of the amount allocated to the City's entitlement grant programs for that program year are made
3. A deletion of an activity or project described in the Consolidated Plan or Action Plan occurs
4. An addition of an activity or project not described in the Consolidated Plan or Action Plan occurs
5. Major changes in the purpose, scope, location, or beneficiaries of an activity are made

Public Comment. The proposed substantial amendment shall be made publicly available for a public comment period of no less than thirty (30) days.

During the public comment period, the proposed amendment will be electronically distributed to the Community Development Committee. Staff may present a summary in person to the Committee in addition to the electronic distribution.



Public Notice: Notice of the 30 day public comment period will be published the day before the public comment period begins.

Public Hearing: During the public comment period, the City will hold a public hearing to receive comments on the proposed amendment during a regularly scheduled City Commission meeting. Notice of the public hearing to receive comments on the proposed amendment will be published no less than two (2) weeks prior to the scheduled hearing. In most cases, the City expects to publish the notice of the public hearing concurrently with the public comment notice.

Approval: At the conclusion of the public comment period and prior to the City Commission taking action, staff will compile a summary of comments or views received, and a summary of any comments or views not accepted and the reasons why and attach it to the final substantial amendment. This final document will be presented to the City Commission for approval. The City Commission may make the proposed change, reject the proposed change, or make a modified change. Once authorized to do so by the City Commission, staff will submit the amended plan to HUD.

#### *Emergency Amendment*

An emergency amendment is developed in response to a local emergency and will typically be consistent with HUD's "urgent need" criteria. Notice of proposed emergency changes will be published in *The Forum* at least seven (7) days prior to the City Commission meeting at which the change will be considered. The City Commission, prior to taking action, will consider all comments on the proposed change. The City Commission may make the proposed change, reject the proposed change, or make a modified change. The Planning & Development department will provide an explanation for public review of written comments and other public comments not accepted by the City Commission.

#### *Minor Amendment*

Any changes to the Assessment of Fair Housing, Five-Year Consolidated Plan, or Annual Action Plan not meeting the criteria described in this section will be considered a minor amendment or revision. Such changes will not be published or subject to a public participation process nor will they require approval by the City Commission.

### **Amendments to the Citizen Participation Plan**

An amendment to the Citizen Participation Plan consists of a change to the method and/or process of citizen participation in development and evaluation of HUD-funded programs. Updates to fix typographical errors, website links, or update contact information will not be considered an amendment to the Citizen Participation Plan and will not be published for public comment or require committee approval.

Public Comment: The amended version of the Citizen Participation Plan shall be made publicly available for a public comment period of no less than thirty (30) days.

Public Notice: Notice of the 30 day public comment period will be published the day before the public comment period begins

Public Hearing: During the 30 day public comment period, the City will hold a public hearing to receive comments on the proposed Citizen Participation Plan during a regularly scheduled City Commission meeting. Notice of the public hearing to receive comments will be published no less than two (2) weeks prior to the scheduled hearing. In most cases, the City expects to publish the notice of the public hearing concurrently with the notice of the opening of the 30 day public comment period.

Approval: The City Commission may make the proposed change, reject the proposed change, or make a modified change.

## VII. Technical Assistance

Planning & Development staff will provide technical assistance to groups representative of persons of low- and moderate-income that request such assistance in commenting on the Assessment of Fair Housing and in developing proposals for funding assistance under funding programs described in the Five-Year Consolidated Plan and Annual Action Plan. The City will determine the level and type of assistance provided to a group on a case-by-case basis. Technical assistance provided by the City will not include the provision of funds to the group or grant writing.

## VIII. Complaints

Individuals or agencies with complaints related to the Consolidated Plan, Action Plan, Assessment of Fair Housing, amendments or revisions, or the performance report may submit a written complaint to the Planning & Development Department:

City of Fargo  
Planning & Development Department  
225 4th Street N  
Fargo, ND 58102

[Planning@FargoND.gov](mailto:Planning@FargoND.gov) (e-mail)

<http://fargond.gov/city-government/departments/planning-development/contact-us> (web)

Response: Anyone who submits a written complaint to the Planning & Development Department will receive a written response within fifteen (15) working days where practicable. If a substantive written response is not practicable within that time frame, a written acknowledgement will be mailed within fifteen working days and include an estimate for when a substantive written response can be expected.

## IX. Anti-Displacement and Relocation Assistance

The City of Fargo has adopted a Residential Anti-Displacement, Replacement Housing, and Relocation Assistance Plan in order to minimize the displacement of persons from their homes in projects receiving CDBG and HOME funds to the maximum extent possible. A copy of the plan is available to the public at the City's Planning & Development office on the second floor of Fargo City Hall, 225 4th Street N, Fargo, ND 58102.

In the event that during a project using CDBG or HOME funds an occupied dwelling must be acquired and demolished, the City will comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, as well as any other relocation regulations imposed by HUD.

DRAFT

# City of Fargo

## Citizen Participation Plan

*(original)*

# Citizen Participation Plan

This plan outlines the citizen participation process that will be used by the City of Fargo in the planning and implementation of housing and community development programs. These programs include the Community Development Block Grant Program, the HOME Program and other HUD programs being implemented by the City of Fargo.

## **General**

Citizen participation is of great use to the City in identifying community development needs, assessing the effectiveness of ongoing housing and community development programs, and developing community development priorities.

Citizens are encouraged to participate in the development of the strategic and action plans, decisions on the amendment of the plans, and review of the annual performance report. In addition, citizen input is used to formulate local plans (not required by statute) related to housing and community development.

Participation by low and moderate income persons, residents of blighted areas, residents of predominantly low and moderate income neighborhoods, minorities, non-English speaking persons, and persons with disabilities are especially encouraged. When the Planning and Development Department is notified that a significant number of non-English speaking persons are interested in participating in a community development meeting, contacts will be made to obtain interpreter assistance.

The City of Fargo will provide citizens, public agencies, and other interested persons with reasonable and timely access to information and records relating to housing and community development plans and programs and the use of housing and community development funds. Documents related to Fargo Housing and Community Development programs will be made available to citizens upon request. Information will also be distributed to persons and organizations with an interest in housing and community development, through newsletters, the internet, brochures, and news media. There will be open access to all community development meetings.

## **Development of Consolidated and Action Plans**

**Information about Process.** The City will distribute information that outlines the process to be used in developing housing and community development plans. Information will be distributed to citizens through an advertisement in the *Fargo Forum*, the Department's web site, and mailings to persons and organizations working in housing and community development. The Planning and Development Department will hold at least one public meeting to explain housing and community development plans and programs, giving the public no less than two weeks notice of the meeting. The meeting will be held at a convenient time and location for potential beneficiaries of the programs.

Information distributed will include a description of the process that will be used to develop the annual action plan and budget, the amount of assistance expected to be available, the range of activities that can be implemented, any known displacement to occur, and the City policies to minimize displacement.

Proposals. Citizens/organizations will be invited to submit specific proposals for review in the budgeting process. In addition the City may initiate and develop projects and programs based on citizen comments.

The City will provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding assistance under any of the programs covered by the housing and community development plan, with the level of assistance to be determined by the Planning and Development Department. The assistance will not include the provision of “grant writing” funds to the groups.

Input. It is important to use all available methods to determine community development needs, assess effectiveness of existing programs, and develop community development plans. The City of Fargo may also obtain citizen input from interviews with people working in housing and community development, citizen public opinion surveys, waiting lists for housing assistance, and information from other city departments. During the development of the Consolidated Plan, the Department of Planning and Development will consult with providers of assisted housing, health services, social services, child welfare agencies, housing and redevelopment authorities, and adjacent units of local governments, in an effort to better ascertain Fargo’s community development needs.

Plan Development. The Planning and Development Department will be responsible for determining if an activity is eligible for inclusion in the annual action plan. The Community Development Committee will be responsible for evaluating proposals considered for the annual action plan. The Committee will be assisted by the Planning and Development Department staff responsible for researching proposals and preparing staff reviews of each proposal under consideration for the annual budget. The Committee may establish criteria to prioritize specific proposals under consideration for funding under Neighborhood Activities and Low Income Client Activities and use that criteria to rank proposals. The Committee will also recommend a process for the allocation of Downtown Development Funds. Citizens have an opportunity to make comments to the Committee on proposed projects and programs.

Review and Approval of proposed Plan. The Community Development Committee will propose an annual action plan with funding levels for projects and programs and recommend the plan to the City Commission. An Action Plan summary will be published in the *Fargo Forum*, distributed to persons interested in housing and community development, distributed to the news media, made available on the Department’s web site, and distributed by other available methods. The notice will explain the contents and purposes of the plan, locations where the plan is available for review, and how to obtain a copy of the proposed plan. The City will provide a reasonable number of free copies of the plan to citizens or groups who request it.

There will be a 30-day period for public comment on the proposed action plan. The City Commission will hold a public hearing on the proposed plan after this comment period at which time they will review and consider all comments received on the proposed plan during the public comment period and at the public hearing. The City Commission will decide what will be included in the final annual action plan and budget. An explanation will be made available for public review of all written comments and public hearing comments not accepted. A summary of these comments will be attached to the final plan.

### **Action Plan Amendments**

During the year between the time when action plans are approved, it may be necessary to amend the action plan and budget. The Plan must be amended if there is a change in the purpose, scope, location, or beneficiaries of an activity, if a new activity (not previously included in the Action Plan) is to be funded, or if there is a change in allocation priorities or method of funds distribution. An amendment can be deemed to be minor, substantial, or emergency. An amendment will be considered to be “substantial” if a new activity is funded, an activity is canceled, if there is a budget amendment that transfers an amount greater than \$50,000, or if the Planning and Development Department determines that it is a substantial amendment to the plan. An “emergency” amendment is developed in response to a local emergency and will typically be consistent with HUD’s “urgent need” criteria. All other amendments will be deemed “minor” plan amendments.

**Substantial Amendment.** The Community Development Committee and the Planning Commission will review and comment on all proposed substantial changes. Notice of proposed substantial changes will be distributed to the news media, distributed to persons interested in housing and community development, and published in the Fargo Forum at least 30 days prior to the City Commission meeting at which the change will be considered. The City Commission prior to taking action will consider all comments on the proposed change. The City Commission may make the proposed change, reject the proposed change, or make a modified change. An explanation will be made available for public review of written comments and other public comments not accepted by the City Commission.

**Minor Amendment.** Minor plan amendments will be placed on the City Commission Agenda. This agenda is published in the newspaper prior to the meeting. Citizens may attend the City Commission meeting and comment on the proposed change.

**Emergency Plan Amendment.** Notice of proposed emergency changes will be published in the newspaper at least 7 days prior to the City Commission meeting at which the change will be considered. The City Commission prior to taking action will consider all comments on the proposed change. The City Commission may make the proposed change, reject the proposed change, or make a modified change. An explanation will be made available for public review of written comments and other public comments not accepted by the City Commission.

### **Annual Performance Reports**

The Planning and Development Department will be responsible for preparing all reports on the programs which are part of the Housing and Community Development Plan. Prior to submitting annual performance reports to HUD, the reports will be available for public comment and distributed to the Community Development Committee and City Commission. Notice of the availability of the report will be published in the newspaper at least 15 days prior to submitting the report to HUD.

All comments will be considered by the Department of Planning and Development prior to submitting the report, and a summary of all written comments will be included with the report.

### **Process for Comment or Complaint**

Persons who have a concern or complaint on housing or community development programs should contact the Fargo Planning and Development Department, 200 North

Third Street, Fargo, ND. Phone 701-241-1474. Telephone calls will be provided a verbal or written response as determined by the Department. Written complaints will be provided written responses within 15 working days, where practicable.