



## Citizen Participation Plan for HUD Programs

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

*to be Considered for Adoption as Amended by Fargo City Commission on June 24, 2024*



If you would like to request the Citizen Participation Plan in an alternative accessible format (e.g. oral, Braille, electronic, or large print copies), or request translation, 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)

## Table of Contents

Executive Summary [24 CFR Part 91 Subpart B 91.105 (a)] .....	3
I. Introduction to Community Development and HUD Programs.....	5
II. Definition of Citizen Participation Plan Terms .....	6
III. Encouraging Citizen Participation .....	9
IV. Accessibility .....	12
V. Development of Plans and Reports .....	14
VI. Amendments to Plans and Assessments .....	18
VII. Residential Anti-Displacement & Relocation Assistance Plan .....	20
VIII. Technical Assistance.....	21
IX. Complaints.....	21
X. Alternative Participation Timelines in the Event of Emergency .....	22

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## Executive Summary [24 CFR Part 91 Subpart B 91.105 (a)]

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 throughout the Fargo community. As a recipient of these federal funds, the City is required to adopt, publish, and follow a Citizen Participation Plan (CPP).

The CPP was prepared in accordance with Section 104 of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 *et seq.*), and 24 CFR 91 Consolidated Submissions for Community Planning and Development Programs, and guides the City of Fargo’s engagement with citizens, business owners, and other stakeholders. The objectives of the CPP are to ensure that the citizens of Fargo, particularly persons with low and moderate incomes, persons living in slum and blighted areas, and persons or units of local government with urgent needs, housing agencies, or other interested parties are provided with the opportunity to participate in the planning and preparation of Fargo’s plans. Through the use of public comment periods, public meetings, and public hearings, interested individuals, groups, and organizations help to identify community needs, priorities, and solutions for which federal CDBG and HOME funds may be used to address.

The following HUD-required documents will be addressed by this CPP:

- Consolidated Plan (“Five Year Plan”)(ConPlan) and ConPlan Amendments
- Annual Action Plans (AAP) and AAP Amendments
- Assessment of Fair Housing/Analysis of Impediments (AFH/AI)
- Consolidated Annual Performance and Evaluation Report (“CAPER”)

The calendar below is an outline of the public participation activities that occur in the development of the ConPlan (every 5 years), AAP (annually), and the CAPER. It includes the timeline for which they generally occur. At a minimum, the City will hold two public hearings per program year, conducted at two different stages of the program year. One of these public hearings will be held as a public input meeting outside of a City Commission meeting.

<b>May 1</b>	<b>Beginning of program year</b>
July	CAPER Public Comment Period (15 days) CAPER Public Hearing at City Commission CAPER due to HUD by July 31 (unless granted an extension)
September - December	Community Consultations for AAP (annually) / ConPlan (every 5 years) Public Hearing/Public Input Meeting(s)
October - January	Call for Proposals for AAP (“NOFO” or Notice of Funding Opportunity) Review submissions, project selection, and draft AAP/ConPlan
February - March	AAP/ConPlan Public Comment Period (30 days) AAP/ConPlan Public Hearing at City Commission AAP/ConPlan Final City Commission Consideration and Approval
March 15	AAP/ConPlan Submission to HUD
<b>April 30</b>	<b>End of program year</b>

Note: With the exception of the May 1 – April 30 program year, the timeline may vary depending on circumstances. Generally, timelines may be extended and rarely, if ever, are they earlier than what is listed in this timeline.

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## 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/natural, political, cultural, financial, built, and human capitals etc.). The City of Fargo has a Community Development (CD) Division within the Planning & Development Department. The CD Division is responsible for 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 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 suitable living environments, as well as expanding economic opportunities 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 over a period of three years must be used to benefit people with low and moderate incomes. This does not include planning and administrative costs, but does include program income. Eligible activities under CDBG include, but are not limited to:

- Acquisition of real property
- Demolition
- Rehabilitation of residential and non-residential structures
- Construction of public facilities or neighborhood centers, improvements (e.g., water, sewer, streets), and the conversion of school buildings for eligible purposes or playground updates and modification for accessibility
- Public services (grant is capped, typically under \$125,000 per year for entire community)
- Activities relating to energy conservation and renewable energy resources
- 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. Eligible activities enable communities to respond to affordable housing challenges within the community. 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 (e.g., downpayment and closing cost 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, Neighborhoods, & Clientele

HUD regulations require that at least 70% of CDBG funding and all of HOME funding must benefit people with low to moderate incomes. Depending on the program, HUD allows the City to use multiple 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 below. For CDBG, the City may use both methods listed.

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. 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” – “LMA”): This method does not consider 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 have income at 80% or less of AMI. If so, this area is considered to be a “low- to moderate-income area” (LMA). The City follows determinations made by HUD as to which census tracts qualify.

### Public Notice

Public notices are utilized to announce publications of plans, plan amendments, and reports; alert the public of a public comment period; or 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:

- Summary of the contents and purpose of the proposed plan or amendment
- List of locations where a full draft plan or report can be accessed
- Dates of the public comment period
- How/where interested parties can submit comments
- Date and time of public hearing and final consideration if required
- Location of meeting/public hearing, including address for in-person meetings or access details on how to view and participate in virtual meetings

Additionally, public notices will include the following:

- Description of the meeting location as accessible to individuals with disabilities
- Information on how to request reasonable accommodations
- Availability of language interpretation and/or translation services and how to request
- Contact information for the Section 504 coordinator
- State TTY/Relay information
- Non-discrimination and equal employment/equal housing statements

The City will also use additional forms of communication, including methods of making plans publicly accessible to persons with disabilities and limited English proficiency. The City may alert the public and interested community development partners through flyers, e-mail distribution lists, social media, press releases, media advertisements, website publications, and public service announcements. Additional methods, such as leveraging service providers and other partner organizations may also be used to help generate interest and more broadly reach community members. Input may also be obtained from interviews with individuals working in housing and community development, waiting lists for housing assistance, and information from other City departments.

## Public Comment

During a public comment period, citizens are provided an opportunity to examine and submit comments in writing or verbally. All comments or views submitted must be considered by the City. 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/meeting (as applicable)
  - Via telephone to the Planning & Development's office at 701.241.1474, ND Relay 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 ND Relay TTY: 800.366.6888 or 711
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### III. Encouraging Citizen Participation

Citizen participation is essential to the City and community in identifying community development needs and assets, assessing the effectiveness of ongoing housing and community development programs, and developing community development priorities and solutions. Described below are HUD plans and reports, which will be written throughout each program year. Residents, public agencies, and interested parties are encouraged to examine the plan and report contents and submit comments.

#### Description of HUD Plans and Reports

1. Five-Year Consolidated Plan: The Five-Year Consolidated Plan (also referred to as the Consolidated Plan, ConPlan, or Five-Year Plan) is a framework for the City's priorities and goals related to housing and community development. As part of the planning process, the City consults with residents and stakeholders as to the needs and market conditions in order to make data-driven, place-based investment decisions. The City uses the ConPlan to help make annual funding decisions and demonstrate to HUD that annual projects align with the goals, strategies, and priorities identified in the ConPlan.
2. Substantial Amendment to the Consolidated Plan: There may be a need to amend the goals, strategies, or priorities identified in the ConPlan. Regulations allow for the City to amend the original document 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 (AAP) identifies the specific projects or programs in the community that will receive HUD funds. It provides a concise summary of the actions, activities, budgets, and specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the ConPlan.
4. Substantial Amendment to the Annual Action Plan: As with the ConPlan, the City may amend an AAP. This could occur to remove a program or project that is unable to come to fruition; to add new projects or activities as needs arise; or something as simple as an address being identified for an already approved project. A substantial amendment to the AAP would require a substantial amendment to the ConPlan if the priority or goals are new or changed and differ from the approved ConPlan.
5. Consolidated Annual Performance and Evaluation Report (CAPER): The CAPER is a program year-end annual report about accomplishments and progress toward ConPlan 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 CDBG funding and all of HOME funding has benefitted low- to moderate-income neighborhoods or individuals. CAPERs are due to HUD 90 days after the close of the program year.

6. Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice (AI): The Assessment of Fair Housing/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 other contributing factors. The City uses this information to set goals that will address the identified impediments. These goals inform subsequent housing and community development planning processes. A new Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice will be conducted with each new Five-Year Consolidated Plan. The most recent Analysis of Impediments to Fair Housing was adopted May 2, 2022 by the Fargo City Commission.

## 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:

- Low- and moderate-income persons, particularly those persons:
  - living in areas designated by the City as a revitalization area
  - living in a slum and blighted area
  - living in areas where CDBG funds are proposed to be used
  - living in a core neighborhood (See City’s Core Neighborhood Plan)
- Residents of predominantly low- and moderate-income neighborhoods or areas
- People from marginalized or minority groups
- Non-English speaking persons
- Persons with disabilities

The City also encourages participation from the following individuals and types of organizations in developing and implementing the Assessment of Fair Housing/Analysis of Impediments, Consolidated Plan, and Annual Action Plan:

- Workforce and economic development agencies
- Local and regional institutions
- Other organizations, both private and public, such as businesses, for-profit and nonprofit developers, nonprofit organizations, philanthropic organizations and foundations, neighborhood associations, and community-based and faith-based organizations
- Residents of public and assisted housing developments (including any resident advisory boards, resident councils, and resident management corporations), in conjunction with consultation with the Fargo Housing and Redevelopment Authority (FHRA),
- Other low-income residents of targeted revitalization areas in which public and assisted housing developments are located

- Public and private organizations, including broadband internet service providers, and organizations engaged in narrowing the digital divide
- Agencies whose primary responsibilities include the management of flood prone areas, public land, or water resources
- Emergency management agencies

## Consultation Requirements

The City shall consult with the following types of organizations in developing and implementing the Assessment of Fair Housing/Analysis of Impediments, Consolidated Plan, and Annual Action Plan, as applicable:

- Public and private agencies that provide assisted housing, health services, and social services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV-AIDS and their families, homeless persons)
- Community-based and regionally based organizations that represent protected class members, and organizations that enforce fair housing laws
- Public and private organizations
- Public and/or private broadband internet service providers
- Public and/or private organizations engaged in narrowing the digital divide
- Agencies and City departments whose primary responsibilities include the management of flood prone areas, public land or water resources
- Emergency management agencies
- Continuum of Care (CoC)
- Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families; homeless individuals and families, including homeless veterans; youth, and/or other persons with special needs
- Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions)
- Business and civic leaders
- State or local health and child welfare agencies/departments concerning lead-based paint hazards
- Adjacent local governments and local and regional government agencies, including local government agencies with metropolitan-wide planning and transportation responsibilities
- Fargo Housing and Redevelopment Authority (FHRA) (Local PHA) regarding consideration of public housing needs, planned programs and activities, strategies for affirmatively furthering fair housing, and proposed actions to affirmatively further fair housing in the ConPlan
- Consultation with FHRA will also to help ensure activities with regard to affirmatively furthering fair housing, local drug elimination, neighborhood improvement programs,

and resident programs and services, both those funded under the FHRA's program and those funded under a program covered by a ConPlan, are fully coordinated to achieve comprehensive community development goals and affirmatively further fair housing.

- FHRA will be provided information about ConPlan activities, the Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice, and Affirmatively Furthering Fair Housing strategies and activities if those activities are related to the Public Housing Authority's (PHA) developments and surrounding communities. FHRA will then make this information available at its annual public hearing(s) required for the PHA Plan.

## 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, including social service organizations, local jurisdictions, businesses, developers, advocacy groups, non-profit and for-profit organizations, community agencies that provide services to or advocate for low-income individuals, individuals with disabilities, racial and ethnic minorities and female-headed households, and other interested parties. 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 virtual and in-person local meetings and public hearings. For the purposes of this section, "meetings" shall mean both meetings and public hearings. Public meetings will be held at times and locations convenient to potential and actual beneficiaries. The notice period and location of notices are further detailed in Section V. Development of Plans and Reports. 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.

Upon request, 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. Upon request to the Planning and Development Department, the documents will be made available in accessible formats (e.g., oral recordings, Braille, electronic, or large print).

- Consolidated Plan
- Annual Action Plan
- Consolidated Annual Performance and Evaluation Report
- Substantial Amendments
- Citizen Participation Plan
- Assessment of Fair Housing/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
  - 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
- Hard Copy Formats (during the location's normal business hours, Monday - Friday from 8:00 a.m. to 4:30 p.m., excluding holidays )
  - Planning and Development at Fargo City Hall, 2nd Floor, 225 4th St N, Fargo, ND 58102

*Access to Records.* To the extent allowed by law, 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, Action Plan, substantial amendments, CAPER, Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice, and citizen comments. In addition, materials on formula grant programs covered by the Consolidated Plan or AAP, including activities undertaken in the preceding five years, will be made available to any member of the public who requests information. 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, as may be amended from time-to-time. 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 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 (ConPlan), the Annual Action Plan (AAP), Consolidated Annual Performance and Evaluation Report (CAPER), and the Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice (AI).

### **Consolidated Plan/Annual Action Plan/Assessment of Fair Housing/Analysis of Impediments**

The public participation requirements for the ConPlan, AAP, and Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice are the same. During the first year of a ConPlan (e.g., 2025's Annual Action Plan under the 2025-2029 Five-Year Consolidated Plan), both the ConPlan and the AAP will be prepared at the same time under the same public participation process, and an Assessment of Fair Housing/Analysis of Impediments will be conducted in tandem.

## Step 1: Initial Public Input Hearing/Meeting

The City of Fargo's Community Development Division will convene a public hearing "public input meeting" during the development of and prior to publishing the Consolidated Plan/Annual Action Plan/Assessment of Fair Housing/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 Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice (AI).

As soon as feasible after the start of the public participation process, the City will make the HUD-provided data and any other supplemental information the City plans to incorporate into its Consolidated Plan 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 website.

Hearing Time and Location. The initial public input hearing/meeting for the development of the ConPlan/AAP may be held virtually, or at Fargo City Hall at 225 4th Street North, Fargo, ND 58102. The initial public input hearing/meeting is 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 ten (10) days before the public hearing/meeting. The public notice and materials available at the public hearing/meeting will contain the following information for citizens, public agencies, and other interested parties:

- Informational Title
- 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
- The estimated funding amount that will benefit persons of low- and moderate-income
- 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. (Further information found at VII. Residential Anti-Displacement & Relocation Assistance Plan.)
- The deadline for submitting proposals

## Step 2: Call for Proposals/Notice of Funding Opportunity (NOFO)

After the initial public input hearing/meeting, the City of Fargo's Community Development Division will generally solicit annual and ongoing proposals from community organizations for programs or projects to receive funding for the program year, although not required. 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
- Aid in the prevention or elimination of slums or blight
- Meet a particular urgent community development need (rarely used nationwide)

Planning & Development staff will make a preliminary determination of eligibility under federal rules and regulations and will review the proposals for completeness. All proposals must be completed in their entirety and accurately describe the activity and/or project for which funds are requested. The final stage of funding consideration will consist of the annual action plan public hearing held at a City Commission meeting.

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

Public Comment. The ConPlan/AAP/Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice draft shall be made publicly available for a public comment period of no less than thirty (30) days unless otherwise prescribed by HUD (e.g., length of public comment period waivers).

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 and consider comments on the proposed ConPlan/AAP/Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice during a regularly scheduled City Commission meeting. Notice of the public hearing to receive comments on the proposed document will be published no less than ten (10) days 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 ConPlan/AAP/Assessment of Fair Housing/Analysis of Impediments to Fair Housing Choice. This final document will be presented to the City Commission for consideration and approval. Once authorized to do so by the City Commission, staff will submit the final plan, including the summary of comments or views to HUD through the Integrated Disbursement and Information System (IDIS).



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

The CAPER is a program year-end annual report about accomplishments and progress toward ConPlan 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 CDBG funding (over a 3-year term) and all of HOME funding (annually) has benefitted low- to moderate-income households. 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 may consult with community organizations and local agencies to solicit updated information about activities undertaken during the program year to further the goals of the ConPlan/AAP.

### **Step 2: Publishing Draft Report**

Public Comment. 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 15-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 provide a review of program performance for the previous program year and will receive and consider comments on the draft CAPER during a regularly scheduled City Commission meeting. Notice of the public hearing will be published no less than ten (10) days 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 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. This summary, along with the CAPER will then be submitted to HUD through the Integrated Disbursement and Information System (IDIS).

## VI. Amendments to Plans and Assessments

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

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. There are three kinds of amendments to a ConPlan or AAP that may occur:

#### *Substantial Amendment*

A substantial amendment will be undertaken in the following circumstances:

- Change in the City's allocation priorities or method of distribution of funds, including establishing new activities and/or funding allocation(s)
- Change in the use of federal funds from one eligible, approved activity to another in excess of 10% of the City's annual grant allocation (sum of CDBG and HOME)
- Deletion of an activity or project described in the ConPlan or AAP
- Adding or carrying out an activity or project not previously identified/described in the ConPlan or AAP
- Changes in the purpose, scope, location, or beneficiaries of an activity

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

**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 and consider comments on the proposed amendment(s) during a regularly scheduled City Commission meeting. **Only the following proposed amendments require a public hearing; no other amendments will require a public hearing:**

1. Addition or cancellation of an activity
2. Changes in funding in excess of 10% of the City's annual grant allocation (sum of CDBG and HOME)

Notice of the public hearing to receive comments on the proposed amendment(s) will be published no less than ten (10) days 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.

All substantial amendments will be considered approved at the end of the public comment period and after review and consideration of any public comments or views of citizens received verbally or in writing. 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 summary, along with a notification of amendments will be provided to HUD through the Integrated Disbursement and Information System (IDIS) upon each amendment.

#### *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 and verbal comments and other public comments not accepted by the City Commission.

#### *Minor (Administrative) Amendment*

Minor amendments are those that are not considered substantial in nature and pertain chiefly to minor administrative modifications of the programs. Any changes to the Assessment of Fair Housing/Analysis of Impediments, Five-Year Consolidated Plan, or Annual Action Plan not meeting the criteria described in the "Substantial Amendment" or "Emergency Amendment" sections above will be considered a minor amendment or revision. Generally, these amendments are technical, clerical, or grammatical in nature, with the exception of budget changes under the amount that falls under the definition of a substantial amendment. Such changes will not be published or subject to a public participation process nor will they require approval by the City Commission. The Planning Director may execute agreement (subrecipient, developer, owner, sponsor, etc.) amendments following related minor amendments.

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

A substantial amendment to the Citizen Participation Plan (CPP) is defined as:

- A change in the definition of a Substantial Amendment for the Consolidated Plan or AAP; or
- A change in the required public notification periods or public hearings; or
- A change to the City's policies or procedures regarding citizen participation, to such an extent it can no longer reasonably be construed as meeting the original intent

A substantial amendment to the CPP requires an amendment process that includes:

**Public Comment:** The amended version of the CPP shall be made publicly available for a public comment period of no less than thirty (30) days unless otherwise prescribed by HUD.

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

All substantial amendments will be considered approved at the end of the public comment period and after review and consideration of any public comments or views of citizens received verbally or in writing. Staff will compile a summary of comments or views received, and a summary of any comments or view not accepted and the reasons why and attach it to the final substantial amendment. Notification of amendments will be provided to HUD upon each amendment.

Any other changes to the CPP, such as updates to fix typographical errors, website links, or contact information will not be considered a substantial amendment and will not be published for public comment or require City Commission approval.

## VII. Residential Anti-Displacement & Relocation Assistance Plan

In accordance with the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*), and HUD regulations at 24 CFR 42.325, City of Fargo follows a Residential Anti-Displacement and Relocation Assistance Plan that includes the following:

### **Intent to Minimize Displacement**

City of Fargo will take the following steps to minimize the direct and indirect displacement of families and individuals from their homes:

- Discourage projects that involve the displacement of persons from their homes and neighborhoods as a result of any assisted activity or development project.
- Provide technical assistance to subrecipients in order to ensure compliance with the Uniform Relocation Act (URA) and Section 104(d) requirements.
- If feasible, demolish or convert only dwelling units that are not occupied or that are “vacant occupiable dwelling units”, especially those units which are “lower-income dwelling units” as defined in 24 CFR 42.305, or structures that have not been used for residential purposes.

### **Relocation Assistance to Displaced Persons**

City of Fargo or its subrecipients will provide relocation assistance for lower-income persons who, in connection with an activity assisted under the CDBG and/or HOME programs, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit to a use other than a lower-income dwelling in accordance with the definitions and requirements of 24 CFR 42.305 and 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) (Uniform Act), and implementing regulations at 49 CFR Part 24.

### **One-for-One Replacement**

City of Fargo or its subrecipients will replace all occupied and “vacant occupiable lower-income dwelling units” (defined at 24 CFR 42.305) that are demolished or converted to a use other than

lower-income housing in connection with an assisted activity, in accordance with 24 CFR 42.375.

Plans to minimize displacement of persons and to assist any persons displaced, with specific types and levels of assistance, will be made available by the City, as applicable (or will be made available by others, as applicable) to persons displaced.

*NOTE ON DISPLACEMENT:* The City will discourage projects that involve the displacement of persons. If displacement does occur, the City will follow *HUD Handbook 1378: Tenant Assistance, Relocation and Real Property Acquisition* and comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) (Uniform Act), as well as any other relocation regulations imposed by HUD.

## VIII. 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/Analysis of Impediments 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.

## IX. Complaints

Individuals or agencies with complaints related to the Consolidated Plan, Action Plan, Assessment of Fair Housing/Analysis of Impediments, 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

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

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

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 (15) working days and include an estimate for when a substantive written response can be expected.

## X. Alternative Participation Timelines in the Event of Emergency

This section of the Citizen Participation Plan explains how the City will communicate and take comment from the public under expedited procedures in the event of an emergency (i.e., a natural disaster or a public health emergency), upon direction from HUD. These expedited procedures can apply to drafting, proposing, or amending the ConPlan, AAP, or the CPP.

Public Comment. The proposed draft plan or amendment shall be made publicly available for a public comment period of no less than five (5) days unless otherwise determined by HUD (e.g., waiver, regulation, writing, etc.). Public comments will be received via email at [Planning@FargoND.gov](mailto:Planning@FargoND.gov) or mail at 225 4th Street North, Fargo, ND 58102.

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

Public Hearing. An in-person public hearing is not required if national and/or local health authorities recommend social distancing and limited public gatherings for public health reasons and a virtual hearing provides reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

In this situation, the City may hold a virtual public hearing on the proposed draft or amendment. The public notice advertising the 5-day public comment period, unless otherwise determined by HUD, shall also notify the public of the date of the virtual public hearing, information on how to view the virtual hearing, and information on how to participate in the virtual hearing. Prior to the virtual public hearing, 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 present those at the virtual public hearing for consideration, and attach them to the draft plan. Once authorized by City Commission, staff will submit the plan to HUD through IDIS.