

City of Benton Harbor Citizen Participation Plan



Amended January 2023

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Introduction

The City of Benton Harbor is designated as an entitlement community by the Department of Housing and Urban Development (HUD). Each year, the City receives funding through HUD on a formula basis to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low-and moderate-income persons. The program is authorized under Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; 42 U.S.C.-5301 et. seq.

As a requirement for receiving these funds, the City must complete several planning and performance reports to be submitted to HUD for approval. These reports include:

1. Five-Year Consolidated Plan (ConPlan);
2. Analysis of Impediments to Fair Housing Choice (AI);
3. Annual Action Plan (AAP);
4. Consolidated Annual Performance Evaluation Report (CAPER);
5. Citizen Participation Plan (CPP); and
6. A Substantial Amendment to any of the above plans

Each document will be discussed in greater detail below with a citation of the corresponding federal regulation. Citizens are encouraged to become familiar with these community planning documents and offer comment on ways to make our overall community impact greater for low-and moderate-income individuals.

Citizen Participation must be an integral part of the planning process for the Consolidated Plan Submission for all Community Planning and Development Programs (CPD). Much of the citizen participation process involves scheduling, publicizing, and conducting public meetings and hearings. HUD, in its attempt to ensure adequate opportunity for participation by program beneficiaries, has prescribed minimum Citizen Participation, plan submission, performance reporting, and record maintenance requirements. These Citizen Participation Requirements are established in 24 Code of Federal Regulations (CFR) Part 91.105. The following document represents the process by which the City of Benton Harbor's Community & Economic Development (CED) Department will facilitate public involvement and communication relating to the City of Benton Harbor's CDBG program.

The CDBG program is administered by the CED Department. The local citizen participation process includes a Consolidated Plan developed every 5-years and a yearly series of well-advertised community/neighborhood public meetings, held at City Hall, to review the Annual Action Plan and the Consolidated Annual Performance Evaluation Report as well as any amendments or changes to the Consolidated Plan. All meetings and public hearings are advertised in accordance with applicable HUD, State and local regulations. Public notices for environmental procedures and project related purposes are also part of the citizen participation process.

After the initial data has been gathered, interviews performed, and the Consolidated Plan is in the initial stages of development, the draft Consolidated Plan will be presented to and approved by the City Commission.

The City's primary objectives in the development and execution of this Citizen Participation Plan (CPP) are as follows:

1. Provide guidance to the Benton Harbor community that will promote and expand citizen participation in the Consolidated Planning Process.
2. Provide citizens with an avenue for making public comment.
3. Support transparent communication between the City of Benton Harbor and the Benton Harbor community.

CPP regulations require active citizen participation, with a special emphasis on efforts to encourage participation from the following populations (24 CFR 91.105 (a)(2)):

- Low- and moderate-income persons;
- Residents of slums, blighted areas, and predominately low- and moderate-income areas;
- Non-English speaking persons;
- Persons with disabilities;
- Public housing residents, residents of tenant-based assisted housing and other low-income residents of targeted revitalization areas.

Public Notice

To encourage low- and moderate-income persons to attend and participate, the community public hearings are held in the early evening. City staff also try to avoid scheduling hearings on nights common with other major events which may require the participation of affected area residents and community leaders. Public hearings are typically conducted in the City Hall Commission Chambers located at 200 Wall Street, Benton Harbor MI 49022. However, in some instances public hearings may also be held in public venues throughout the community like public libraries and community centers.

All public hearings shall be announced at least two (2) weeks before the date of the meeting. City Staff will utilize the following media to notify program beneficiaries regarding upcoming meetings.

- A. Newspaper advertisements, of no smaller than eight (8) point size, are published in adjudicated newspapers of general circulation serving the City. Each publication is published at least two (2) weeks before the date of the public hearing.
- B. Public Hearings are always advertised on the City's website.
- C. During declared emergency situations, such as pandemics or natural disasters, the requirement to publish the notice and summary in a newspaper of general circulation described above may be suspended. The City shall at a minimum publish public notices on the City of Benton Harbor's website and promote such advertisements on social media as available. Furthermore, a shorter time period for notification may be allowable by HUD waivers. The timelines adopted will be those established by HUD at the time.

Additional methods of communication that CED staff may use to encourage public participation include, but are not limited to: emailed notices, online surveys, press releases, library postings, and focus groups.

The public hearing notice will contain a summary of the proposed ConPlan, AAP, AI, or CAPER, and at a minimum, a description of the contents and purpose of the plan or report, a list of the locations where copies of the draft may be examined in its entirety, the date, time, and location of the comment period and the public hearing, and the amount of funding that the City expects to receive, as applicable.

During declared emergencies, such as pandemics or natural disasters, the requirement to publish the notice and summary in a newspaper of general circulation described above may be suspended. The City shall at a minimum publish public notices on the City's website and promote such advertisements on social media as available. Furthermore, a shorter period for notification may be allowable by HUD waivers. The timelines adopted will be those established by HUD at the time.

Public Hearings

At least two public hearings must be held each year. One of which must be held as part of the development of the Consolidated Plan and/or Annual Action Plan. This hearing will be held prior to the public comment period for the plan. A second public hearing must be held to provide information related to the CAPER which details the City's performance towards meeting annual goals and objectives for the CDBG program. Additional public meetings may be held at the discretion of City staff.

The public hearings will serve several purposes:

- 1) inform potential recipients of the functions of the CED Department as it relates to CDBG and its relationship to both Benton Harbor City Commission and HUD;
- 2) explain the rules and regulations governing the CDBG program;
- 3) explain how the program relates to the needs of individuals/neighborhoods/non-profit organizations, etc.;
- 4) provide information regarding the amount of CDBG funds expected to become available;
- 5) explain the types of eligible activities;
- 6) discuss the status of previously funded activities;
- 7) determine citizen's perceived housing and non-housing community development needs and possible activities to address those needs;
- 8) review of performance and compliance issues;
- 9) detail the City's plan to minimize displacement;
- 10) and receive comments, input and feedback related to each plan and/or report.

Input will also be gathered by interviews with: the Mayor and City Commission, applicable City Staff, service providers, community leaders, persons attending the various public meetings and hearings, and written comments from citizens and interested groups received throughout the planning process.

During declared emergency situations, such as pandemics or natural disasters, public hearings may be held in an online capacity as allowed by HUD. In this situation, the ability for public comment will be provided.

Publication of Plans & Reports

The City of Benton Harbor’s Community & Economic Development Department (CED) makes available to the public, the following plans and reports:

- 1) Five Year Consolidated Plan (ConPlan) – 24 CFR 91.200
- 2) Analysis of Impediments to Fair Housing Choice (AI)
- 3) Annual Action Plan (AAP) – 24 CFR 91.220
- 4) Consolidated Annual Performance Evaluation Report (CAPER) – 24 CFR 91.520
- 5) Citizen Participation Plan (CPP) – 24 CFR 91.105
- 6) A Substantial Amendment to any of the above plans or reports (as defined below)

The publication is made to afford citizens an opportunity to examine the documents’ contents, and to provide further opportunity for comments (written and orally) and citizen feedback regarding the proposed document. A brief summary of each plan and/or report is to be published in newspapers of general circulation that will afford citizens the opportunity to provide written comments for the relevant comment period prior to adoption.

Additionally, all plans and reports, listed above, shall be made available, in their entirety, for further review in the following manner: 1) a reasonable number of copies will be made available at the Benton Harbor City Hall, located at 200 Wall Street, Benton Harbor, MI, 49022 2) a PDF copy of all notices and draft plans will be available on the City’s website 3) hard copies will be available at the Benton Harbor Public Library and 4) copies will be available at other pertinent public places to be described in the public notice. Furthermore, copies of the proposed plan and/or report will be made available for individuals who request them.

A period of no less than thirty (30) days shall be made available for public review and comment for the Consolidated Plan, Annual Action Plan, Citizen Participation Plan and any Substantial Amendments to these Plans. The City shall make the Consolidated Annual Performance and Evaluation Report available for fifteen (15) calendar days. The Analysis of Impediments to Fair Housing Choice does not require a public comment period.

Plan/Report	Minimum Required Comment Period
Consolidated Plan and/or Annual Action Plan	30 days
Citizen Participation Plan	30 days
Substantial Amendment to ConPlan, AAP or CPP	30 days
Consolidated Annual Performance Evaluation Report	15 days
Analysis of Impediments to Fair Housing Choice	None

During declared emergency situations, such as pandemics or natural disasters, the public comment period may be shortened, as described by HUD, to as little as five (5) days to accelerate the process. In these cases, public documents will be made available on the City of Benton Harbor’s website only.

Amendments to Plans & Reports

In the event the City needs to make changes to the Consolidated Plan and the Annual Action Plan, the City must determine the nature of the required changes and in such cases where the changes are considered substantial, the City must produce what HUD refers to as a Substantial Amendment to the Consolidated Plan and/or Annual Action Plan.

The Substantial Amendment process will occur when the following program changes exist:

To the Consolidated Plan if:

1. there is a change to the Priority Needs identified in the Strategic Plan;
2. there is a change to the Goals and Objectives identified in the Strategic Plan;
3. there is a change to the Target Geographies/Areas identified in the Strategic Plan; and
4. new entitlement grants are awarded to the City.

To the Annual Action Plan if:

1. there is a change to the Annual Goals and Objectives identified in the Annual Action Plan;
2. there is a change to the Target Geographies/Areas identified in the Annual Action Plan
3. when a Project previously described in the Annual Action Plan is canceled;
4. creation of a new Project not previously described in the Annual Action Plan;
5. the funding allocated to an existing Project is adjusted by \$75,000 or more of the initial funding amount; and
6. revision to an existing project which changes the purpose, scope, location, or beneficiaries of the program.

All other changes will be considered revisions (non-substantial) and will be accomplished administratively by City Staff.

Prior to amending a Consolidated Plan and/or Annual Action Plan, the City will provide citizens with reasonable notice of, and opportunity to comment on, proposed program changes in its use of Annual Action Plan funds for a project (either funded in whole or in part). This involves a 30-day review period for the Consolidated Plan and the Annual Action Plan. A summary of citizen comments or views and the reasons any such comments or views were not accepted will be attached to amendments of the Plan. The City will consider any such comments, and if the grantee deems appropriate, modify the changes.

Amendments to the Citizen Participation Plan (24 CFR 91.105 (c))

A Substantial Change to the Citizen Participation Plan is defined by the City to be:

- 1) A change in the definition of a substantial amendment for the Consolidated Plan or Annual Action Plan; or
- 2) A change in the required public notification periods or public hearings; or
- 3) Any amendments required by HUD; or

- 4) A change to the City’s policies or procedures regarding citizen participation.

All other changes to the CPP will be considered revisions (non-substantial) and will be noted in the *Effective Date and Amendments* section of this document. Examples may include, but are not limited to, updates to contact information, the modes of outreach utilized, City policies referenced in this Plan that are amended, clarifications of terms used in the document, and applicable CFR’s referenced in the Plan that are amended and do not substantially change the information included in the CPP.

Citizen Comments & Feedback

During all public hearings citizens are encouraged to comment or submit written comments/complaints to the City of Benton Harbor CED Department concerning the proposed plans, reports and the performance of the CED Department and/or other City departments and entities under contract with the City for the implementation of program related activities. All comments, written and oral, will be accepted and included as part of the citizen participation records for the associated plan and/or report. Citizens may also provide written and oral comments at public hearings and written feedback via mail addressed to the following:

City of Benton Harbor
Community & Economic Development Department
200 East Wall St
Benton Harbor, MI 49022

The CED Director may also be reached by telephone for oral comments and email comments at alittle@bhcity.us or by calling (269) 927-8421.

When responses are warranted, written comments/complaints regarding any facet of the CDBG, program or its implementation in Benton Harbor are answered in writing. Unless specific circumstances exist which prevent immediate action, written replies are mailed within fifteen (15) working days, where practical, after receipt of the written comment/complaint (or oral comment/complaint if made during a public meeting/hearing).

Accessibility of Meetings & Documents

Language Assistance (24 CFR 91.105 (a)(4))

With at least two business days of advanced notice, a language interpreter will be provided at public hearings and meetings, per 24 CFR Part 91.105(e)(4). Citizens may contact the CED Department at (269) 927-8421 during operating hours, Monday through Friday, 9:00 a.m. to 5:00 p.m. at least one business day in advance of the scheduled public hearing/meeting. Translation services for documents may be provided for persons who may need assistance reviewing printed documents, reports, and/or other related materials. A minimum of five days is needed to provide translated documents.

American With Disabilities Act (ADA) - 1973 Rehabilitation Act

With at least two business days of advanced notice, the CED Department can be reached at (269) 927-8421 and shall provide assistance and special arrangements for those who are disabled in order to provide information and services concerning federally funded programs. All City CDBG program related plans will be placed in the Benton Harbor Public Library. The library has reader magnification machines to aid the visually handicapped to read public records. Proposed plans are placed on the City's website at <https://bhcity.us/community-economic-development/>.

All visual aids used in the City Commission chambers are displayed on large screens to help all sighted people to see them better. All public hearings are held in buildings which are accessible to the handicapped. Citizens may contact the CED Department at ((269) 927-8421 at least 24 hours in advance to request such services.

Additional Citizen Participation Activities

Consultation with Community Partners (24 CFR 91.105 (a)(2))

When preparing the Consolidated Plan, Annual Action Plans, or the development of the Analysis of Fair Housing Impediments (AI) or Assessment of Fair Housing (AFH), the CED Department will seek consultation with public and private agencies that provide 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, and homeless persons. Consultation will be made with state-based and regionally-based organizations that represent protected class members and organizations that enforce fair housing laws. This process shall also encourage the participation of local, regional, and statewide institutions including the Continuum of Care, the public housing authority, businesses, developers, nonprofit organizations, philanthropic organizations, residents of public and assisted housing developments, and community-based and faith-based organizations.

CED will notify by email, to the greatest extent possible, the local Community Action Agency, regional planning commission, Housing and Redevelopment Agencies, Public Transportation Authorities, County Officials and the city Mayors, of the opportunity to provide comments.

Residents of Public and Assisted Housing (24 CFR 91.105 (a)(2)(iii))

Residents of public and assisted housing are stakeholders with HUD in that they receive rental assistance from HUD. These residents are therefore encouraged to participate in the planning and execution of the CDBG program, because they are also eligible to benefit from the expenditure of HUD federal funds.

Public Access to Records (24 CFR 91.105 (g-h))

The City of Benton Harbor will provide all interested parties with reasonable and timely access to information and records related to the City's CDBG program. The current CPP, ConPlan, AAP, and CAPER will be posted on the City's website. Draft plans will also be disseminated through the means discussed above.

Interested parties can also submit a public record request in person or by mail to any City office. Requests may also be submitted electronically by fax or email.

Environmental Review

In certain instances, the participation consists of publication of specific actions/findings, including a description of the project, its locations, submission of relevant data to applicable local, state and federal agencies for review and comment, and the Manager's approval of federal environmental findings relating to the Request for Release of funds from HUD.

Technical Assistance (24 CFR 91.105 (i))

City staff may conduct an application workshop, and/or provide direct technical assistance to applicants to submit a funding proposal, ask questions about the grant, or discuss potential projects; per 24 CFR Part 91.105 (i). Applicants may request one-on-one technical assistance sessions with City staff. The City will make a good faith effort to see that reasonable requests for technical assistance are responded to in a timely manner.

Complaints (24 CFR 91.105 (j))

It is the policy of the City of Benton Harbor to take reasonable steps to address concerns expressed by citizens and to respond to any formal complaints or grievances in a timely manner.

Citizens should bring any concerns they may have regarding the CDBG program, plans, policies, or projects to the attention of the City of Benton Harbor, Community & Economic Development Department, 200 E Wall St, Benton Harbor, MI 49022.

Unresolved issues, complaints, or grievances may be formally submitted to the CED Director. The grievance and/or request must be written, legible, and is strongly urged to follow these guidelines:

- 1) The written correspondence must be signed, dated, and indicate if the correspondent is representing his/her personal concerns or those of a larger group, in which case, the name and description of the group must be stated.
- 2) The written correspondence must contain contact information including the person or organization's name, address, phone number, email address, and if the organization has fax, the fax number.
- 3) The written correspondence must clearly identify the specific complaint or grievance and should state what corrective action is being sought.

It is anticipated that presented concerns can be addressed through direct conversation. Should a written response be requested, the City will provide timely written answers to the written correspondence that follow the guidelines listed above. The time required to respond may vary depending upon the nature and complexity of the specific complaint. Where practicable, written answers will be provided within 15 working days of the receipt of the written complaint.

If complainants are not satisfied with the City's response, a written complaint may be submitted to the HUD Regional Office.

City of Benton Harbor Displacement Plan

While administering federally funded activities, the City of Benton Harbor will seek to minimize the displacement of persons who are participants and non-participants in its CDBG program. The City will attempt to avoid undertaking projects that require persons to be displaced from their homes or businesses to the extent possible. Where the displacement of persons is anticipated or required due to a project funded using federal funds, the City will determine the length of displacement, meet with affected persons, discuss the situation, and develop a solution that may include:

1. Requiring the displaced person to seek temporary housing without financial assistance from the City.
2. Use of CDBG funds to provide displaced persons with temporary housing.
3. Use of non-federal funds to provide displaced persons with temporary housing.

Effective Dates and Amendments

The original City of Benton Harbor Citizen Participation Plan was approved in October 2018 by the City Commission. This document supersedes all previous versions of the CPP. Amendments to the CPP are noted below.

1. **June 26, 2020**, amendment to update reasonable notice and opportunity to comment requirements in response to COVID-19 pandemic.

2. **January 18, 2023**, First Substantial Amendment to define thresholds for funding adjustments and to incorporate changes necessary to align with existing HUD regulations.

Contact Information

Citizens are encouraged to offer public comments at any time. To do so, please contact the CED Department directly by calling (269) 927-8420. If requesting a staff meeting, please allow two working days advance notice.

The City contact for the CDBG Program and this Citizen Participation Plan is:

Director, Community & Economic Development

City of Benton Harbor
200 E. Wall Street
Benton Harbor, MI 49022
(269) 927-8421

Citizens are encouraged to attend Planning & Economic Development Committee meetings held every fourth (4th) Wednesday of the month at 5:30 p.m. in the Benton Harbor City Hall: Lula Lee Commission Chambers. The Committee allows for public comment on items relevant to the CDBG program.