

RESOLUTION NO. 2020-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS ADOPTING A REVISED CITIZEN PARTICIPATION PLAN FOR LOCAL IMPLEMENTATION OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) CONSOLIDATED PLAN PROCESS AND RESCINDING RESOLUTION NO. 2015-023

WHEREAS, the CITY of Thousand Oaks (CITY), a Community Development Block Grant (CDBG) entitlement community, is required by law to have a Citizen Participation Plan (PLAN) containing policies and procedures for public involvement in the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan process for use of CDBG and/or other HUD funds; and

WHEREAS, preparation of CITY's 2020-2024 Consolidated Plan (5-year Strategic Plan) for expenditure of CDBG funds between July 1, 2020 and June 30, 2024 provides an opportunity for revising and/or updating the CITY's existing PLAN.

NOW, THEREFORE, the Thousand Oaks City Council rescinds Resolution No. 2015-023 and, in accordance with 24 CFR 91.105 (a) (1), adopts the following revised procedures for public participation during CITY's 2020-2024 Consolidated Plan process.

1. Applicability and Purpose of the Citizen Participation Plan (PLAN)
 - a. CITY is required by HUD regulations (24 CFR § 91.105) to adopt a Citizen Participation Plan (PLAN) that sets forth the jurisdiction's policies and procedures for citizen participation in the Consolidated Plan process.
 - b. The PLAN's purpose is to provide for and encourage citizens to participate in development of the Consolidated Plan, any substantial amendments to the Consolidated Plan, and the annual Consolidated Annual Performance and Evaluation Report (CAPER).

2. Participation of Low- and Moderate-Income Persons

- a. The requirements of the PLAN herein are especially designed to encourage participation in the Consolidated Plan process by Low- and Moderate-Income persons, particularly those living in slum and blighted areas and/or in areas where CDBG funds are proposed to be used; as well as by residents of predominantly Low- and Moderate-Income CDBG-eligible census tract block groups.
- b. For definitional purposes, the term “Low-Income Person” means a member of a household whose gross income is equal to, or less than, the published Section 8 “Very Low-Income” limit established by HUD. Unrelated persons living together shall each be considered as a one-person household for determining gross collective household income.
- c. For definitional purposes, the term “Moderate-Income Person” shall mean a member of a household whose gross income is equal to, or less than, the published Section 8 “Low-Income Limit”, and greater than the Section 8 “Very Low-Income” limit established by HUD. Unrelated persons living together shall each be considered as a one-person household for determining gross collective household income.

3. Participation of Other Interested Persons and Organizations

- a. CITY will take appropriate actions to encourage participation in Consolidated Plan development by all residents, including minorities, non-English speaking persons, and persons with disabilities. CITY will also encourage participation by local and regional institutions and other organizations in the process of developing and implementing the Consolidated Plan. Collaborators will include businesses, developers, community and faith-based organizations and homeless services providers participating in the regional Continuum of Care process. CITY will explore alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation in a shared vision for change in communities and neighborhoods, as well as the review of program performance through the use of focus groups and use of the Internet.
- b. CITY will encourage participation in the development and implementation of the Consolidated Plan by public housing agencies, the residents of public and assisted housing developments, and by other Low-Income residents of targeted revitalization areas.

- c. CITY will provide Consolidated Plan information to the local public housing agency on proposed and existing HUD-funded investments in the neighborhood and in surrounding communities. CITY will provide said information for dissemination to public housing residents via notices at local public housing facilities and/or at the annual public hearing required for the Public Housing Authority (PHA) Plan.

4. Public Comment on the Citizen Participation Plan (PLAN) and Amendments

- a. CITY will provide citizens and all interested persons and groups with a reasonable opportunity to comment on the original PLAN and on proposed Substantial Amendments to the PLAN. CITY will post a copy of the PLAN to the City's website and make paper copies available to the public at all times. On request, the CITY will make the PLAN available in an alternative format accessible to persons with disabilities.
- b. CITY will provide a period of not less than 30 days to receive comments from citizens on the proposed Consolidated Plan.
- c. During Consolidated Plan preparation, CITY will consider any comments or views of citizens received in writing, or orally at the public hearing(s). CITY has developed a phone-in method to allow public participation during City Council meetings which are closed to physical participation. A summary of these comments or views, and a summary of any comments or views not accepted, and the reasons therefore, will be attached to the final Consolidated Plan.
- d. CITY will provide for at least three (3) public hearings during different stages of the Consolidated Plan process, as described in Section 8 below.

5. Development of the Consolidated Plan

CITY will develop its Consolidated Plan in accordance with the following minimum requirements.

a. Consolidated Plan Information

- (1) Prior to adopting a Consolidated Plan, CITY will make available to citizens, public agencies, and other interested parties, information including the amount of assistance CITY expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit Low- and Moderate-Income persons.
- (2) CITY will publish the proposed Consolidated Plan and related documents, including the Analysis of Impediments to Fair Housing Choice [or Assessment of Fair Housing (AFH)], as applicable, revised following 24 CFR 5.164, as well as the annual Action Plans, on the Community Development Department page of City's website (www.toaks.org). City will also publish a summary of the Consolidated Plan document(s) in the local newspaper of record, the Ventura County Star, as well as in the Thousand Oaks Acorn free newspaper.

CITY will make paper copies of the Consolidated Plan document(s) available for review at City Hall and, on request, at other public buildings. City will also mail a paper copy of the Consolidated Plan document(s) to anyone otherwise unable to access the document(s). The published summary will describe the contents and purpose of the Consolidated Plan document(s) and include a list of the locations where copies of the entire proposed Consolidated Plan may be examined. In addition, CITY will provide a reasonable number of free document copies to citizens and groups that request it.

b. Displacement and Relocation Policies

In accordance with the Uniform Relocation and Real Property Acquisition Policies Act (URA) of 1970, as amended, CITY will take measures to minimize displacement of persons, and to assist any persons displaced, by any HUD-funded activity. As summarized in Exhibit A to this PLAN, the CITY will specify the types and levels of assistance to be made to persons displaced, even if CITY expects no displacement to occur.

6. Amendments to the Consolidated Plan

a. Criteria for Amending the Consolidated Plan

CITY will use the following criteria and procedures to amend the Consolidated Plan. CITY will amend the Consolidated Plan when:

- (1) A previously approved Activity is cancelled;
- (2) An Activity, not previously approved, is added;
- (3) A change would affect the Activity's purpose, scope, location or beneficiaries; or
- (4) For Section 108 loans, a change would affect the Activity's purpose, scope, location, beneficiaries or funding.

b. Substantial Amendments

Any of the following actions will require City Council approval to process a Substantial Amendment to the previously approved Action Plan. A Substantial Amendment will occur when:

- (1) A new Activity is being funded for the first time. If an Activity was funded in a previous program year, and there is no significant change in the project (purpose, scope, location or beneficiaries), it is not considered a Substantial Amendment.
- (2) A funding change in a current Activity represents:
 - (a) More than 10 percent of the jurisdiction's CDBG funds for the current fiscal year; or
 - (b) More than 50 percent of the Activity's total HOME funding.
- (3) A change in the use of CDBG funds from one eligible Activity to another.
- (4) Each Substantial Amendment shall be noticed by the CITY in a local newspaper of general circulation a minimum of 30 days prior to action by the City Council. Depending upon the amendment and/or the project area, the notice may appear in both an English-language and a Spanish-language newspaper that targets the area of interest.

- (5) A summary of public comments or views, and a summary of any comments or views not accepted, and the reasons therefore, will be included in the description of the Amendment forwarded to HUD and published in either the Action Plan or CAPER report.

c. Minor Amendments

Less significant Action Plan amendments do not require 30 days of public notice or City Council approval when they meet any of the following criteria:

- (1) Total proposed amendment involves less than 10 percent of program year CDBG funding; or
- (2) Total proposed amendment involves less than 50 percent of total HOME funding.

Minor Action Plan amendments may be approved administratively by the City Manager. Each such amendment will be incorporated into the Consolidated Plan through publishing in the next Action Plan and/or Consolidated Annual Performance and Evaluation Report (CAPER).

7. Performance Reports

- a. CITY will provide citizens with reasonable notice and an opportunity to comment on performance reports. Specifically, CITY will provide notice to the public, at least 30 days before any City Council consideration, of the opportunity to comment on a proposed Consolidated Plan, annual Action Plan, annual Consolidated Performance and Evaluation Report (CAPER), and for each proposed Substantial Amendment to an Action Plan.
- b. In preparing the Performance Report, the CITY will consider the comments or views of citizens received in writing, or orally at public hearings. A summary of these comments and views shall be attached to the final Performance Report.

8. Public Hearings

- a. As listed below, during each program year, CITY will hold a minimum of three (3) Consolidated Plan-related public hearings, scheduled at different stages of the program year. Public hearings will address

CITY's housing and community development needs, development of proposed activities, and review of program performance.

(1) Annual Needs Assessment Public Hearing

Each year (between September and January) and prior to the preparation of an annual Action Plan and/or Consolidated Plan, CITY will hold a Needs Assessment public hearing to provide the public with an opportunity to comment on how CDBG funds, and or other public resources, could be used to address the needs of predominantly Low- and Moderate-Income households.

(2) Annual Action Plan (or Consolidated Plan) Public Hearing

Each year (generally in April) the CITY will hold a public hearing, prior to City Council consideration of a proposed Action Plan and/or Consolidated Plan, to receive public comment on how the proposed CDBG or other publicly funded activities will address the needs of CITY's predominantly Lower-Income households. A Consolidated Plan public hearing will be scheduled prior to City Council consideration of a Consolidated Plan that currently occurs every five (5) years.

(3) Annual Performance Report Public Hearing

Each September, CITY will hold a public hearing, prior to City Council consideration of a proposed Consolidated Annual Performance and Evaluation Report (CAPER), to receive public comment on how the CDBG, or other publicly funded activities implemented during the program year, addressed the needs of CITY's predominantly Lower-Income households.

b. Public Notices

CITY will provide citizens and other interested parties with adequate notice of:

- (1) the start of a 30-day public review and comment period for a HUD document (proposed Action Plan or Consolidated Plan, proposed Substantial Amendment or proposed Performance Report); and/or

- (2) the scheduling of a HUD-required public hearing.
- (3) Public notices shall be provided, as shown below. Public hearing notices shall include sufficient information to permit informed consent including, but not limited to, the date, time and location of the public hearing and a full description of the Activity that is the subject of the hearing.
 - (i) A legal notice published in the local newspaper of record, currently the Ventura County Star newspaper;
 - (ii) A display-type ad in the non-legal section of a local newspaper, such as the Thousand Oaks Acorn free newspaper.

c. Public Hearing Notices

- (1) In accordance with paragraph 8 (b) of this PLAN, the public shall be notified at least 14 days in advance of the date of a HUD-related public hearing.
- (2) Each of the CITY's public hearings shall be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. All CDBG-related public hearings will be scheduled at 6 pm, or shortly thereafter, to accommodate persons who work full-time. Hearing locations shall be within CDBG-eligible census tract block groups, including City Hall located at 2100 Thousand Oaks Boulevard.
- (3) If a significant number of non-English speaking residents are reasonably expected to participate in one of CITY's HUD-related public hearings, CITY will provide an interpreter to assist in translating public hearing testimony.

d. Public Document Notices

- (1) In accordance with paragraph 8 (b) of this document, the public shall be notified in advance of the start of a 30-day review period for a HUD-related public document including,

but not limited to, a proposed Consolidated Plan, Action Plan, Substantial Amendment, and/or Performance Report.

- (2) All CDBG-related public documents shall be made available for 30 days of public review prior to City Council consideration at a duly noticed public hearing. Documents will be posted electronically to CITY's Community Development Department website (www.toaks.org) and paper copies will be made available for review at City Hall, on request, at the Thousand Oaks and Newbury Park library buildings, and/or at the Goebel Senior Adult Center. City shall make alternate arrangements should these sites become inaccessible to the public. Upon request, CITY will make the subject document available in a format accessible to persons with disabilities.

e. Substantial Amendment Notices

- (1) In accordance with paragraph 8 (b) of this document, the public shall be notified in advance of the start of a 30-day review period for a proposed Action Plan Substantial Amendment, as such amendment is described in Section 6 of this document.
- (2) All CDBG-related public documents shall be made available for 30 days of public review prior to City Council consideration at a duly noticed public hearing. Documents will be posted electronically to CITY's Community Development Department website (www.toaks.org) and paper copies will be made available for review at City Hall and, on request, at the Thousand Oaks and Newbury Park library buildings, and/or at the Goebel Senior Adult Center. City shall make alternate arrangements should any of these sites become inaccessible to the public. Upon request, CITY will make the subject document available in a format accessible to persons with disabilities.

9. Access to Records

CITY will provide citizens, public agencies, and other interested parties, with reasonable and timely access to information and records related to

the Consolidated Plan and the use of CDBG and/or HOME funds during the previous five (5) years.

10. Technical Assistance

On request, CITY will provide technical assistance to any group representative of Low- and Moderate-Income persons to develop a proposal for HUD funding through CITY's CDBG and/or HOME programs. The nature of the assistance to be provided shall be determined by the City Council and need not include the provision of funds to the groups.

11. Complaints

CITY will provide timely and substantive responses to every written citizen complaint, including an initial response within 15 working days, where practicable, and a follow-up response, if required, within 30 working days.

12. Use of the Citizen Participation Plan

By its adoption of this Resolution, CITY agrees to follow its Citizen Participation Plan during the implementation of all HUD-related and HUD-funded activities.

13. Responsibility for Citizen Participation Plan

The requirements for citizen participation under this Plan shall not restrict CITY's responsibility or authority for the development and implementation of the Consolidated Plan and/or any HUD-required or HUD-funded activities.

14. Changing the Citizen Participation Plan (PLAN)

This PLAN can be revised only after the public has been notified of intent to modify it and only after the public has had a reasonable opportunity to review and comment on proposed changes.

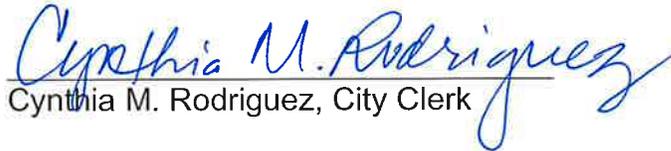
15. Citizen Participation Process under Declaration of Disaster or Emergency

In case of declared disaster or emergency events, City will adopt and/or follow a modified method for citizen participation as directed by the Federal government. These modifications may include a shortened public review period and the option for virtual hearings and real-time responses. Accommodations for persons with disabilities and/or with limited English proficiency will be made available to the greatest extent possible. CITY's current citizen participation process in case of disaster or emergency is set forth in Exhibit B to this Resolution.

PASSED AND ADOPTED this 12th day of May, 2020.


Al Adam, Mayor
City of Thousand Oaks, California

ATTEST:


Cynthia M. Rodriguez, City Clerk

APPROVED AS TO ADMINISTRATION:


Andrew P. Powers, City Manager

APPROVED AS TO FORM:


Tracy Friedl, Deputy City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF THOUSAND OAKS)

I, CYNTHIA M. RODRIGUEZ, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 2020-013 which was duly and regularly passed and adopted by said City Council at a regular meeting held May 12, 2020 by the following vote:

AYES: Councilmembers Engler, Jones, Bill-de la Peña, and Mayor Adam

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.


Cynthia M. Rodriguez, City Clerk
City of Thousand Oaks, California


Date Attested

Exhibit A

Residential Anti-Displacement and Relocation Plan

In accordance with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the "Act"), as amended, and the implementing regulations of the U.S. Department of Housing and Urban Development (HUD) at 49 CFR 24, and as required under Section 104(d) of the Housing and Community Development Act of 1974, as amended, the City of Thousand Oaks certifies that the following provisions are in effect and will be undertaken by the City prior to, and in connection with, any activity, assisted with CDBG or HOME funds, that will result in the displacement and/or relocation of lower-income City residents.

1. The City will replace all occupied and vacant habitable lower-income ("low/moderate-income") housing units demolished or converted to a use other than as lower-income housing, in connection with a project assisted with CDBG or HOME funds.
2. All replacement housing will be provided within three (3) years after the commencement of the demolition or conversion. Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion, the City will make public by publication in a newspaper of general circulation and submit to HUD the following information in writing.
 - (a) A description of the proposed assisted project.
 - (b) The address, number of bedrooms, and location on a map of lower-income housing that will be demolished or converted to a use other than as lower-income housing, as a result of an assisted project.
 - (c) A time schedule for the commencement and completion of the demolition or conversion.
 - (d) To the extent known, the address, number of bedrooms and location on a map of the replacement housing that has been, or will be, provided.
 - (e) The source of funding and a time schedule for the provision of the replacement housing.
 - (f) The basis for concluding that the replacement housing will remain lower-income housing for at least 10 years from the date of initial occupancy.
3. To the extent that the specific location of the replacement housing and other data in items (a) through (f) above are not available at the time of the general submission described in paragraph 2 above, the City will identify the general

location of such housing on a map and complete the disclosure and submission requirements as soon as the specific data are available.

4. The City's Community Development Department (805-449-2500) will be responsible for doing the following:
 - (a) Provide relocation assistance to lower-income ("low/moderate income") families and individuals displaced as a result of the conversion or demolition of any lower-income ("low/moderate income") dwelling unit assisted with CDBG or HOME funds.
 - (b) Maintain records to track the replacement of lower-income housing ensuring that it is provided within the required period.
 - (c) Make or provide for relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any housing or the conversion of lower-income housing to another use.

5. Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the direct and/or indirect displacement of persons from their homes. The City will:
 - (a) Coordinate code compliance activities with its residential rehabilitation and housing assistance programs.
 - (b) Adopt policies to identify and mitigate the displacement of lower-income persons resulting from the construction of new, multi-family housing.
 - (c) Adopt policies that provide reasonable protections for lower-income tenants faced with conversion of their rental unit or mobile home unit to a condominium or cooperative unit, or to a non-residential use.
 - (d) Evaluate housing codes and rehabilitation standards for lower-income housing to prevent undue financial burden on established owners and tenants.
 - (e) Encourage the rehabilitation of lower-income rental units to allow tenants to remain in the building/complex during and after the rehabilitation, working with unoccupied units first.
 - (f) Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
 - (g) Identify and/or establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.

Exhibit B

Citizen Participation Process under Declaration of Disaster or Emergency

In the event of a declared disaster or emergency, it may be necessary for the City to expedite substantial amendments to the Consolidated Plan. There are three types of disasters/emergency events that may necessitate an expedited substantial amendment including (1) Man-Made-disasters, (2) Natural disasters, and (3) Terrorism. Man-made disasters can include chemical spills, mass rioting, power outages, dam failure, plant explosions, etc. Natural disasters can include earthquakes, tsunamis, hurricanes, tornadoes, wild fires, flooding and public health issues such as wide-spread disease. Terrorism events include bomb threats, biochemical attacks like the spread of anthrax, or cyber-attacks like hacking, phishing, and virus distribution, etc.

These expedited substantial amendments may include funding new activities and/or the reallocating of funds in order to meet needs resulting from a declared disaster or emergency. Therefore, the City shall adopt any and all process modifications allowed for by the specific orders related to any declaration in order to utilize HUD funds as quickly as possible to meet these needs.

With respect to a declared disaster, the City may elect to use HUD funds to address needs not provided for by the Federal Emergency Management Agency (FEMA) and the Small Business Administration (SBA), or other disaster relief efforts. Funding for disaster relief may not duplicate other efforts undertaken by federal or local sources unless allowed by the federal government. Potential eligible uses of funds are those that are included in this Citizen Participation Plan, the Consolidated Plan, or any other CDBG, HOME, or ESG eligible use. HUD may provide new guidance on eligible uses in which the City will comply with and may utilize as well.

All eligible CDBG activities, including those to address declared disasters or emergencies, must meet one of three national objectives which are: (1) Benefit to low- and moderate-income (LMI) persons; (2) Aid in the prevention of slums or blight; and (3) Meet a need having a particular urgency (referred to urgent need). The City may carryout eligible CDBG activities to meet needs resulting from declared disasters or emergencies under any one of the three national objectives.

Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") (CDBG-CV)

On April 9, 2020, HUD issued a notice on the CARES Act flexibilities for CDBG funds used to support COVID-19 response and plan amendment waiver and summarized as follows:

- For CDBG funding under FY 2019-20, FY 2020-21, and the CARES Act CDBG-CV funds, the City may provide a 5-day notice as allowed under a HUD waiver. To expedite the City's use of the CDBG-CV funds, HUD waived the requirements

under 42 U.S.C. 12705(a)(2) to the extent that it requires updates to the housing and homeless needs assessment, housing market analysis, and strategic plan and 24 CFR 91.220 and 91.320 to the extent the action plan is limited to a specific program year to permit the City to prepare substantial amendments to the City's most recent annual action plan, including the 2019 annual action plan. The City will identify the proposed use of all funds and how the funds will be used to prevent, prepare for, and respond to coronavirus. HUD also waived 24 CFR 91.505 to facilitate the use of the CDBG-CV funds to the extent necessary to require submission of the substantial amendment to HUD for review in accordance with 24 CFR 91.500.

- HUD eliminated the 15 percent cap on the amount of grant funds that can be used for public services activities. Following the CARES Act enactment, the cap in section 105(a)(8) of the Housing Community Development Act of 1974 and 24 CFR 570.201(e) has no effect on CDBG-CV grants and no effect on FY 2019-20 and FY 2020-21 CDBG grant funds used for coronavirus efforts.
- The City may use the CDBG-CV grant funds to cover or reimburse costs to prevent, prepare for, and respond to coronavirus incurred by the City, regardless of the date on which such costs were incurred, when those costs comply with CDBG requirements. For other grants, pre-agreement and pre-award cost authority is available under 24 CFR 570.200(h).
- HUD extended the deadline for City to submit action plans and other updates to the City's consolidated plans submissions for FY 2019-20 and FY 2020-21 to August 16, 2021.