



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 8
AGENDA DATE: Thu 01/29/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution amending the City of Austin Citizen Participation Plan that outlines opportunities for citizen input on documents and actions relating to four federal entitlement grants (Community Development Block Grant, Housing Opportunities for People with AIDS, Emergency Shelter Grant, and HOME Investment Partnerships) as well as the City's annual Community Development Program under Chapter 373, Texas Local Government Code.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Neighborhood Housing **DIRECTOR'S**
DEPARTMENT: and Community **AUTHORIZATION:** Paul Hilgers
Development

FOR MORE INFORMATION CONTACT: Paul Hilgers, Community Development Officer.
Neighborhood Housing and Community Development. 974-3108.

PRIOR COUNCIL ACTION: January 13, 2000 approved Citizen Participation Plan. Public hearing on amendments to Plan December 11, 2003.

BOARD AND COMMISSION ACTION: Recommended with amendments by the Community Development Commission.

PURCHASING: N/A

MBE / WBE: N/A

In a continuing effort to improve the Citizen Participation Plan (CPP) to be used for the City's Community Development Program, Consolidated Plan, and Action Plan the following changes are proposed:

- The sections concerning public involvement have been expanded to broaden the opportunity for citizen comment;
- More inclusive language has been added to encourage participation by low-income residents, minority populations, non-English speakers, and people with disabilities;
- There will be a City Council hearing in the needs assessment stage of the Action Plan/Consolidated Planning process. This change is based on a HUD recommendation. In the past, Council only conducted hearings in the draft phase;
- The former stakeholder meetings will be included with the consultations; and
- Ambiguous language has been clarified.

Attached as backup is the Citizen Participation Plan with suggested changes incorporated and as recommended by the Community Development Commission.

RCA Serial#: 4285 Date: 01/29/04 Original: Yes

Published:

Disposition:

Adjusted version published:

**CITY OF AUSTIN
NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT OFFICE**

**CITIZEN PARTICIPATION PLAN
Revised January 2004**

A. PURPOSE

The purpose of the Citizen Participation Plan (CPP) is to outline opportunities for citizen input for Austin residents- especially those living in low- and moderate- income neighborhoods, or participating in affiliated institutions, businesses, and community organizations in the development of the City's Consolidated Plan and related documents. The City considers it the right of all citizens to be informed about and have the opportunity to comment on the use of public funds. The City of Austin will take appropriate actions to encourage participation of minorities, people who do not speak English, and people with disabilities.

The CPP applies to five areas of planning for the City of Austin's use of Federal housing and community development monies; they are: (1) the development of the five-year Consolidated Plan; (2) each annual Action Plan; (3) each annual performance report; (4) substantial amendments to a Consolidated Plan and/or Action Plan; and (5) amendments to the CPP, itself. The City of Austin's program/fiscal year begins October 1 and ends September 30.

In order to receive certain federal grant monies, the U. S. Department of Housing and Urban Development (HUD) requires jurisdictions to submit every five years a Consolidated Plan. This plan is a comprehensive strategic plan for community planning and development activities. The Plan serves as the City's application for these HUD grant programs. Federal law also requires that citizens have opportunities to review and comment on the local jurisdiction's plans to allocate these funds.

The purpose of programs covered by this Citizen Participation Plan is to improve the Austin community by providing: decent housing, a suitable living environment, and growing economic opportunities – all principally for low- and moderate- income people. Opportunities for genuine involvement by low- and moderate- income people will be provided and encouraged.

This document outlines how members of the Austin community may participate in the five key planning areas listed above. General requirements for all or most activities are described in detail in Section E of the Citizen Participation Plan.

B. HUD PROGRAMS

The City of Austin receives four entitlement grants from the Federal government to help address the City's housing, economic, and community development needs. The four grant programs are described below:

1. ***Community Development Block Grant Program (CDBG)***: Title I of the Housing and Community Development Act of 1974 (PL 93-383) created the CDBG program. It was re-authorized in 1990 as part of the Cranston-Gonzalez National Affordable Housing Act. The primary objective of the CDBG program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic development opportunities for persons of low and moderate income. The City develops locally defined programs and funding priorities for CDBG, but activities must address one or more of the national objectives of the CDBG program. The three national objectives are: (1) to benefit low- and moderate- income persons; (2) to aid in the prevention or elimination of slums or blight; and/or (3) to meet other urgent community development needs. The City of Austin's CDBG

- program emphasizes activities that directly benefit low and moderate-income persons.
2. ***HOME Investment Partnerships Program (HOME)***: HOME was introduced in the Cranston-Gonzalez National Affordable Housing Act of 1990 and provides funding for housing rehabilitation, new housing construction, acquisition of affordable housing, and tenant-based rental assistance. A portion of the funds (15 percent) must be set aside for community housing development organizations (CHDOs) certified by the City.
 3. ***Emergency Shelter Grant (ESG)***: The ESG program is part of the homeless programs created by the McKinney Act. ESG has four primary objectives: (1) to improve the quality of existing emergency shelters for the homeless; (2) to provide additional emergency shelters; (3) to help meet the cost of operating emergency shelters; and (4) to provide certain essential social services to homeless individuals. The program is also intended to help reduce the number of people at risk of becoming homeless.
 4. ***Housing Opportunities for Persons with AIDS (HOPWA)***: HOPWA funds may be used to assist housing designed to meet the needs of persons with HIV/AIDS, including the prevention of homelessness. Supportive services may also be included. HOPWA grants are allocated to Eligible Metropolitan Statistical Areas (EMSA) with a high incidence of HIV/AIDS. The City of Austin receives a HOPWA grant on behalf of a five-county EMSA (Bastrop, Hays, Travis, Williamson, and Caldwell Counties).

C. LEAD AGENCY

The City's Neighborhood Housing and Community Development Office (NHCD) is designated by the City, as the single point of contact with the U.S. Department of Housing and Urban Development (HUD), and lead agency for the grant administration of the CDBG, HOME, HOPWA, and ESG programs. The City designates NHCD to be the program administrator for CDBG and HOME programs. The City designates the Austin/Travis County Health and Human Services Department (HHSD) as the program administrator for the HOPWA and ESG programs.

As the single point of contact for HUD, NHCD is responsible for developing the 5-Year Consolidated, Annual Action Plans, and the Consolidated Annual Performance and Evaluation Report (CAPER). NHCD coordinates with the HHSD, the Community Development Commission (CDC), and the Austin Area Comprehensive HIV Planning Council (HIV Planning Council) to develop these documents. Needs and priorities for funding for the ESG and HOPWA grants are developed by HHSD in consultation with the Austin Area Homeless Coalition and the Austin Area Comprehensive HIV Planning Council.

D. PLANNING ACTIVITIES SUBJECT TO CITIZEN PARTICIPATION PLAN

ACTIVITY 1. FIVE-YEAR CONSOLIDATED PLAN. The City of Austin's Consolidated Plan is developed through a collaborative process whereby the community establishes a unified vision for Austin's community development actions. Citizen participation is a critical part of the Consolidated Plan, including developing and amending the plan as well as reporting on program performance. Consultations, public hearings, citizen surveys and opportunities to provide written comment are all a part of the strategy to obtain citizen input. The City will make special efforts to solicit the views of citizens who reside in the designated CDBG-priority neighborhoods of Austin, and to encourage the participation of all citizens including minorities, the non-English speaking population, and persons with disabilities. The steps for public participation in the five-year Consolidated Plan follow:

1. ***Consultations with Other Community Institutions.*** In developing the Consolidated Plan, the City will consult with other public and private agencies, both for-profit and non-profits that either provide or have direct impact on the broad range of housing, health, and social services needed by Austin residents. Consultations may take place through meetings, task forces or

committees, or other means with which to coordinate information and facilitate communication. The purpose of these meetings is to gather information and data on the community and economic development needs of the community. The City will seek specific input to identify the needs of homeless persons, persons with HIV/AIDS and their families, persons with disabilities and other special needs.

2. ***Citizen Surveys.*** City staff shall conduct surveys of Austin residents in order to gather additional information on community priorities.
3. ***Initial Public Hearings.*** There will be at least two public hearings early in the development of the Consolidated Plan before the Community Development Commission (CDC), policy advisers to NHCD appointed by the City Council, to gather information on community needs from citizens. There will be two more hearings sponsored by organizations working with low-income populations (i.e. Austin Area Comprehensive HIV Planning Council; the Community Action Network; or another appropriate community organization as defined by the City.) An additional hearing will be held before City Council. Based on public testimony received, the CDC will make recommendations to City Council on the community needs.
4. ***Written Comments.*** Based on public input and quantitative analysis, NHCD staff will prepare a draft Consolidated Plan, which also includes proposed allocation of first-year funding. A period of 30 calendar days will be provided to receive written comments on the draft Consolidated Plan. The public may review the draft plan at the main library, several neighborhood centers, NHCD, local public housing authorities, and on the City's web page. Notification of availability of the draft will appear in a local newspaper of general circulation as well as newspapers that target minority or special needs populations.
5. ***Draft Consolidated Plan Public Hearings.*** There will be a public hearing held before the City Council to receive oral public comments on the draft. An additional hearing will be held before the Community Development Commission (CDC). These hearings will be scheduled during the 30-day written comment period on the draft plan. The CDC will be given the opportunity to make recommendations to Council on the draft Consolidated Plan/ Action Plan.
6. ***Final Action on the Consolidated Plan.*** All written or oral testimony provided would be considered in preparing the final Consolidated Plan. A summary of testimony received and the City's reasons for accepting or not accepting the comments must be included in the final document. The Council will consider these comments, CDC recommendations, and the recommendations of the City Manager before taking final action on the Consolidated Plan. Final action by the City Council will occur no sooner than fifteen calendar days next following the second Council public hearing on the draft plan. When approved by Council, the Consolidated Plan will be submitted to HUD, no later than August 15 each year.

ACTIVITY 2. ONE-YEAR ACTION PLAN. Each year the City must submit an annual Action Plan to HUD, reporting on how that year's funding allocation for the four HUD entitlement grants will be used to achieve the goals outlined in the five-year Consolidated Plan.

1. NHCD staff will gather input from citizens and consultations to prepare the draft Action Plan. There shall be a public hearing with the CDC to receive citizen input on the City's performance report for the preceding year and proposed Action Plan and a public hearing before City Council on the proposed Action Plan, including funding allocations. The hearings provide the Commission, the Council and NHCD staff with the public's perspective on Austin's housing and community and economic development needs.
2. NHCD staff will gather community input and statistical data to prepare the draft Action Plan. A draft Action Plan will be available for 30 days for public comment after reasonable notice to the public is given.
3. During this comment period, the City Council shall conduct a second public hearing to receive oral public comment on the draft One-Year Action Plan and Consolidated Plan, if it is during a Consolidated Planning year. An additional hearing will be held before the Community Development Commission.

4. The CDC will be given the opportunity to make recommendations to Council prior to its final action.
5. Final action by the City Council will occur no sooner than fifteen calendar days next following the second Council public hearing on the draft plan.
6. When approved by Council, the Action Plan will be submitted to HUD.

ACTIVITY 3. SUBSTANTIAL AMENDMENTS TO CONSOLIDATED/ACTION PLAN.

Recognizing that changes during the year may be necessary to the Consolidated Plan and Action Plan after approval, the Citizen Participation Plan allows for "substantial amendments" to plans. These "substantial amendments" apply only to changes in CDBG funding allocations. Changes in funding allocation for other HUD grant programs received by the City of Austin -- HOME, ESG, and HOPWA -- are not required to secure public review and comment. The CPP defines a substantial amendment as:

- a) A proposed use of CDBG funds that does not address a need identified in the governing Consolidated Plan or Action Plan; or
- b) A change in the use of CDBG funds from one eligible program to another. The eligible programs defined in the City of Austin's Business Plan are "Housing" or "Community Development."
- c) A cumulative change in the use of CDBG funds from an eligible activity to another eligible activity that decreases an activity's funding by 10% or more OR increases an activity's funding by 10% or more during fiscal year. An activity is defined as a high priority need identified in the Consolidated Plan that is eligible for funding in the Action Plan (see attachment #1).

In the event that there are substantial amendments to the governing Consolidated or Action Plan,

1. The City will draft the amendment and publish a brief summary of the proposed substantial amendment(s) and identify where the amendment(s) may be viewed
2. After reasonable notice, there will be a 30-day written public comment period
3. During the 30-day comment period, the City Council shall receive oral comments in public hearings.
4. The CDC will be given the opportunity to make recommendations to Council prior to its final action.
5. Upon approval by Council, the substantial amendment will be posted in the official City Council minutes and available on-line and in the City Clerk's office. Final action by the City Council will occur no sooner than fifteen calendar days next following the second Council public hearing on the draft plan.

ACTIVITY 4. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION

REPORT (CAPER). The City is required to submit annually by December 30 a CAPER to HUD that describes the City's progress in meeting the goals in the Consolidated Plan.

1. NHCD staff prepares the draft CAPER.
2. After reasonable notice is provided, the CAPER is available for 15 days for written public comment.
3. The final CAPER and public comments will then be submitted to HUD.
4. The CAPER and public comments will be presented at one of the initial CDC public hearings on the proposed Action Plan for the subsequent fiscal year.

ACTIVITY 5 – AMENDMENTS TO CITIZEN PARTICIPATION PLAN. In the event that changes to this Citizen Participation Plan are necessary, the NHCD staff shall draft them.

1. After reasonable notice, these will be available to the public for 15 days for written comment.
2. The CDC and City Council shall each hold a public hearing to receive oral public comments on the proposed change.
3. The CDC will be given the opportunity to make recommendations to Council prior to its final

action.

4. Upon approval by Council, the substantial amendment will be posted in the official City Council minutes and available on-line and in the City Clerk's office.

E. GENERAL REQUIREMENTS

1. **Public Hearings.** Public hearings before the Community Development Commission, the City Council, and other appropriate community organizations will be advertised in accordance with the guidelines outlined in the notification section below. The purpose of public hearings will be to allow citizens, public agencies, and other interested parties the opportunity to provide input on Austin's primary housing and community development needs. Public hearings will be held in locations accessible to low- and moderate-income residents and people with disabilities. Translation for non-English speaking residents and/or those who are hearing impaired will be provided upon request.
2. **Public Meetings.** Public meetings of the City Council, Community Development Commission (CDC), and other boards and commissions overseeing HUD programs provide opportunities for citizen participation and comment on a continuous basis. Notice of public meetings subject to the Open Meeting Act is posted at the Office of the City Clerk at least three days prior to the meeting. The Clerk's office also provides the names and phone numbers of people to contact regarding the meeting or topics to be discussed. Meetings are held in locations accessible to persons with disabilities. Spanish translation and translation for individuals with hearing impairments are provided as necessary. The Austin City Council and the CDC are required to post their agendas in accordance with the Texas Open Meetings Act. These notices are also typically available on the City's web page. Interested parties should contact the City Clerk's Office to confirm specific meeting dates of the City Council and CDC.
Notification. Advance notice of any public hearing, CDC Consolidated Plan/Action Plan subcommittee meeting, or comment period will be provided to the public on the City's web page (<http://www.ci.austin.tx.us/housing>) through advertisements in local newspapers for general circulation and for minorities as well as City press releases. The newspaper of general circulation is the Austin American-Statesman; examples of newspapers that target minority populations are El Mundo, Arriba, The Capitol Times, and The Villager. Ads will appear in both Spanish and English, whichever is most appropriate for the publication. Such ads will appear at least two weeks prior to any public hearing or comment period. The City will also consult and coordinate with the Travis County Housing Authority and the Housing Authority of the City of Austin during the development of the Consolidated Plan and Action Plan. Information will be made available to Public Housing Authority residents and their input sought.
3. **Document Access.** Copies of all planning documents, including the Citizen Participation Plan, Consolidated Plan, Action Plan, and annual performance report, will be available to the public upon request. Citizens will have the opportunity to review and comment on these documents in draft form prior to final adoption by the City Council. These documents will be made available at public libraries, public housing authorities, and certain neighborhood centers, at NHCD, and on the City's web page (www.ci.austin.tx.us/housing/publications.) Upon request, these documents will be provided in a form accessible to persons with disabilities. Citizens, groups, and other interested organizations may obtain copies of the written reports by calling NHCD at (512) 974-3100 or (512) 974-3102 (TDD).
4. **Access to Records.** The City will provide citizens, public agencies, and other interested organizations with reasonable and timely access to information and records relating to the Citizen Participation Plan, Consolidated Plan, performance reports, and the City's use of assistance under the four grant programs.
5. **Technical Assistance.** The City can provide technical assistance upon request and to the extent resources are available to groups or individuals that need assistance in preparing funding proposals, provided that the level of technical assistance does not constitute a violation of federal or city rules or regulations. These groups or individuals must represent CDBG-target neighborhoods or other low-income areas. The provision of technical assistance does not involve re-assignment of City staff to the proposed project or group, or the use of City equipment, nor does technical assistance guarantee an award of funds.

F. CITIZENS' COMPLAINTS

Written complaints may be directed to the City with regard to any HUD program or activity. Whenever possible, a timely, written, and substantive response to the complainant will be prepared with 15 working days of receipt of the complaint by the appropriate department. If a response cannot be prepared within the 15-day period, the complainant will be notified of the approximate date a response will be provided. Written complaints must clearly state the complainant's name, address, and zip code. A daytime telephone number should also be included in the event further information or clarification is needed. Complaints should be addressed as follows:

For CDBG or HOME programs, correspondence should be addressed to:

Mr. Paul Hilgers, Community Development Officer
Neighborhood Housing and Community Development Office
City of Austin
505 Barton Springs Road, Suite 600
Austin, Texas 78704

For ESG or HOPWA programs, correspondence should be addressed to:

Mr. David Lurie, Director
Health and Human Services Department
City of Austin
2100 E. St. Elmo Street, Building 30-E
Austin, Texas 78744

With a copy sent to Mr. Paul Hilgers at the above address.

If the response is not sufficient, an appeal may be directed to the City Manager, and a written response will be provided within 30 days. An appeal should be addressed as follows:

Ms. Toby Hammett Futrell
City Manager
City of Austin
P.O. Box 1088
Austin, Texas 78767

G. CITY OF AUSTIN RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The City of Austin's Anti-Displacement and Relocation Assistance Policy (see attachment) is amended to incorporate CDBG, HOME, HOPWA, and ESG grants. The City of Austin is committed to compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended. Reasonable modifications and equal access to communications will be provided upon request. Please call 974-3100 (voice) or 974-3102 (TDD) for assistance.

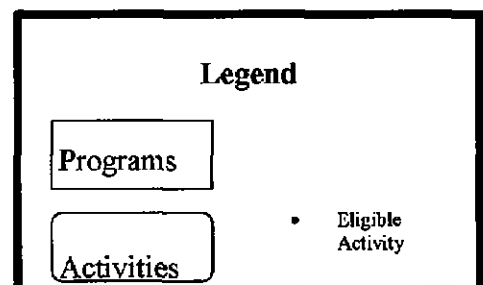
The City of Austin does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs and activities. Dolores Gonzalez has been designated as the City's ADA/Section 504 Coordinator. Her office is located at 206 E. 9th Street, Suite 14.138. If you have any questions or complaints regarding your ADA/Section 504 rights, please call the ADA/Section 504 Coordinator at 974-3256 (voice) or 974-2445(TTY). This publication is available in alternative

formats. Please call 974-3100 (voice) or 974-3102 (TDD) for assistance.

ATTACHMENT #1

Neighborhood Housing and Community Development 2003-04

HOUSING	Eligible Activities	COMMUNITY DEVELOPMENT	Eligible Activities
Owner-Occupied	<ul style="list-style-type: none"> Architectural Barrier Removal Emergency Home Repair Homeowner Rehabilitation Loan 	Commercial Revitalization	<ul style="list-style-type: none"> East 11th and 12th Street Revitalization
First-Time Homebuyer Services	<ul style="list-style-type: none"> Acquisition and Development Anderson Hill (Juniper/Olive Street) 	Neighborhood Revitalization (Public Services)	<ul style="list-style-type: none"> Tenants' Rights Assistance Childcare Services ESL Senior Services Youth Services Neighborhood Support Housing Information and Referral Business Assistance Center Community Development Bank Micro-enterprise Technical Assistance Neighborhood Commercial Management Project Small Minority Business Assistance
Rental Housing	<ul style="list-style-type: none"> Rental Housing Development Assistance Anderson Hill Redevelopment 		
Assisted Housing	N/A	Small Business Development	
Transitional Housing	N/A		
S.M.A.R.T. Housing	N/A	Public Facilities	<ul style="list-style-type: none"> Homeless Shelter Public Facilities Projects



NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

INTRODUCTION

The City of Austin Residential Anti-displacement and Relocation Assistance Policy (Displacement Policy) as set forth herein, pertains where applicable to projects assisted with funding provided by The United States Department of Housing and Urban Development (HUD) which may include among others, funding with Community Development Block Grant (CDBG), HOME Investments Partnership Program (HOME), HUD Lead Hazards Control Grant (LHCG) program and Housing Opportunities for People with AIDS (HOPWA) funds and which, because of the HUD assistance, cause residential displacement of low- and moderate-income persons from occupied dwellings rendered unoccupiable as a result of HUD-assisted conversions to a use other than affordable housing, or by demolition. Funding for these programs is made available to the City by the U.S. Department of Housing and Urban Development (HUD), under Title I of the Housing and Community Development (HCD) Act of 1974, as amended.

The HUD funded programs are administered by the City's Neighborhood Housing and Community Development (NHCD). Activities funded by HUD funded programs may be carried out by City employees, competitive procurement or agreements with subrecipients. All funded activities meet one or more of the national and local objectives for the program, which are: elimination of slums and blight; benefit to persons and households of low and moderate income, i.e., earning eighty percent (80%) or less of the median family income (MFI) for the Austin area; and meeting needs of particular urgency.

RESIDENTIAL ANTI-DISPLACEMENT and RELOCATION ASSISTANCE POLICY

To the greatest extent possible, it is the policy of the City of Austin to minimize displacement of individuals as a result of public purpose activities. The City of Austin shall implement this policy to minimize the displacement of persons as a result of HUD funded activities and assist persons actually displaced, either temporarily or permanently, as a result of such activities. It is the policy of the City to plan and to provide funding only for those HUD funding activities that will not cause permanent residential displacement or reduce the amount of affordable housing stock by conversion or demolition. However, activities such as rehabilitation of occupied housing may require temporary displacement to ensure the safety of residents during the rehabilitation of the units. The City will enforce this policy upon developers and other entities responsible for carrying out planned HUD activities.

The Housing and Community Development Act of 1987 (Public Law 100-242) and the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17) made changes that affect the manner in which CDBG and other federal grantees treat displacement issues. The policy does not take into account all changes brought about by the 1987 legislative action. If necessary, this displacement policy will be amended at such time as HUD promulgates HUD rules that clarify the effect of the HCD Act of 1987 on CDBG and other HUD grant funded related displacement issues.

DISPLACEMENT POLICY

The policy addresses (1) temporary displacement of households participating in either owner-occupied or tenant-occupied housing rehabilitation programs assisted with HUD funds and (2)

permanent residential displacement. Although the policy encompasses action relative to permanent residential displacement and relocation assistance, under no circumstances will HUD funds be used for any project or activity that will cause permanent displacement or relocation of families or the conversion of affordable housing to other uses. The term "family" as used herein refers to one or more persons occupying the same housing unit whether or not the individuals are related by birth or marriage. All classes of temporary displacements will receive equal and comparable treatment and assistance regardless of their status as owner or tenant.

1. TEMPORARY DISPLACEMENT/RELOCATION

Owner-Occupied Housing Rehabilitation Programs

At the discretion of the City, homeowners participating in a housing rehabilitation program that for their safety requires they vacate the residence during the course of construction, may be entitled to a dislocation stipend. The family may receive a fixed daily allowance for each day in which they cannot occupy their residence. The purpose of the stipend is to offset only the cost of moving or storing their personal possessions and for related expenses, such as increased utility costs. If allowed, the daily allowance will be set by the City of Austin's Neighborhood Housing and Community Development (NHCD/AHFC). Payment may be made either directly by NHCD/AHFC or through other subrecipient organizations or developers under contract to NHCD or AHFC to operate a housing rehabilitation program. The stipend rate may be reviewed periodically and may be adjusted if in the judgement of the NHCD/AHFC it does not represent adequate compensation. However, the program reserves the right to suspend or terminate the provision of stipends should conditions exist which makes the stipend cost infeasible or detrimental to the housing programs.

The following services will be provided by the appropriate program operator (i.e., the NHCD/AHFC or other subrecipient): Clients will be counseled and advised of their right to receive an allowance, notified of the approximate time of start of construction and given adequate time to make alternative temporary living arrangements. If necessary, clients will be assisted in locating decent and safe accommodations.

The offices of the NHCD/AHFC are fully accessible to the handicapped and mobility impaired. Bilingual staff is available to assist Spanish-speaking clients and portable Telecommunication Devices for the Deaf (TDD) with read/print capability are available for the hearing-impaired. If subrecipients cannot carry out their counseling responsibilities toward handicapped or non-English speaking clients by any other means, clients may be referred to the NHCD/AHFC for assistance.

Tenant-Occupied Housing Rehabilitation

HUD-funded rehabilitation of renter-occupied properties may be carried out by the Housing Authority of the City of Austin (HACA) on HUD-subsidized public housing or by subrecipients under contract to the NHCD/AHFC for properties owned and operated by a non-profit Neighborhood Based Organization (NBO). HACA, as a publicly-funded HUD recipient, will carry out its relocation responsibilities in accordance with the HUD rules pertaining to Public Housing Authorities (PHAs) or the Policy, whichever is more appropriate. If federal funding is provided or Tenant Based Rental Assistance (TBRA), HACA will comply with all applicable funding source requirements governing the provision of these services.

Public Housing: As an operator of multiple properties subsidized by HUD, HACA may elect to relocate families by a method commonly called "checkerboarding," i.e., the movement of families to previously rehabilitated units in the same complex. When this method is infeasible, HACA may elect to relocate a family to a unit in another PHA complex.

Unsubsidized Housing: For properties operated by a non-profit NBO, the organization's contract with the NHCD/AHFC will specify if and to what extent the clients are entitled to assistance under

this policy. If all elements of the policy are to be carried out, each will be specified in the contract documents, counseling and other relocation services as above.

2. PERMANENT RESIDENTIAL DISPLACEMENT/RELOCATION

Replacement Housing: If through HUD funding, dwellings affordable to low- and moderate-income persons are demolished or converted to uses other than housing, the City (or developer) will provide comparable replacement housing units for the same number of occupants who could have been housed in the occupied or vacant units in accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended and Section 104(d) of the Housing and Community Development Act of 1974. The replacement housing will be located in the same general area as the houses deleted from the affordable housing stock and will be affordable to low- and moderate-income residents. The replacement housing will be designed to remain affordable to such families for a period of ten (10) years from the time of initial occupancy.

Relocation Benefits: All occupants of the dwellings demolished or converted will receive relocation benefits in accordance with applicable state and federal requirements to include: reimbursement for actual and reasonable moving expenses, security deposits, credit checks and other moving-related expenses, including any interim living costs. Low- and moderate-income persons will be provided either:

- a.) Compensation sufficient to ensure that for a period of five (5) years the family shall not bear, after relocation, a ratio of shelter costs to income that exceeds thirty percent (30%); or -
- b.) If elected by the family, a lump-sum payment equal to the value of the benefits available under (a.), to permit the household secure participation in a cooperative or mutual housing association.

Replacement housing for persons displaced shall be decent, safe and sanitary, of adequate size to accommodate the family, functionally equivalent and in an area not subject to unreasonably adverse environmental conditions. Displacees have the right to elect, as an alternative to the benefits under this policy, benefits under the Uniform Assistance and Real Property Acquisition Policies Act of 1970, if it is in their best interest to do so. If a claim for assistance under this policy is denied by the City/AHFC, the claimant has the right to appeal the decision to HUD.

RESOLUTION NO. 040129- 8

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council approves amendment to the City of Austin's Citizen Participation Plan as attached to this resolution and in accordance with section 373.006(c), Texas Local Government Code and 24 Code of Federal Regulations Title 91, with such minor modifications to the plan as may be required by the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED:

The City Council authorizes the City Manager to file with the City Clerk the final amended plan following any modification and approval by the U.S. Department of Housing and Urban Development.

ADOPTED: _____ January 29 _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk