

Lexington County

CITIZEN PARTICIPATION PLAN

Introduction

Lexington County receives funds annually from the United States Department of Housing and Urban Development (HUD) to implement the Community Development Block Grant (CDBG) program. Additionally, Lexington County has received supplemental funding allocations under CDBG-Disaster Recovery (DR) and CDBG-Mitigation (MIT). The primary goals of the CDBG program are to provide decent housing, a suitable living environment, and expand economic opportunities particularly for low- and moderate-income persons.

To receive CDBG funds, the County is required to develop and implement a Citizen Participation Plan (CPP). The purpose of the CPP is to encourage citizen participation in the development, implementation and evaluation of the specific activities described within the Consolidated Plan and funded through the CDBG program.

The Consolidated Plan is a comprehensive planning process that describes the County's housing market conditions, identifies overall needs for affordable housing and non-housing community development, and provides strategies to address those needs. The Consolidated Plan also serves as the application for Federal funding under the Community Development Block Grant (CDBG) program.

The Citizen Participation Plan sets forth the policies and procedures for citizen involvement in the following components of the Consolidated Plan and supplemental funding allocations:

- Five-Year Consolidated Plan
- Annual One-Year Action Plan
- Substantial Amendments
- Consolidated Annual Performance Report (CAPER)
- Supplemental funding Action Plans (CDBG-DR, CDBG-MIT, CDBG-CV)

Definitions

The following terms are used in the Citizen Participation Plan and can be defined as follows:

Consolidated Plan

This is the collective term for the Five-Year Consolidated Plan, Annual One-Year Action Plan, and the Consolidated Annual Performance Evaluation Report (CAPER).

Five-Year Consolidated Plan

This document is prepared once every five years and serves as the County's housing and community development plan. HUD requires the Plan from the County to receive CDBG funds. The Plan is prepared in accordance with the process prescribed in 24 CFR Part 91 and describes the County's housing and community development needs, resources, and priorities and proposed activities to be undertaken over a five-year period.

Annual One-Year Action Plan

This document is prepared annually and is an update to the Five-Year Consolidated Plan. This Plan describes the needs, resources, priorities and proposed activities to be undertaken over a one-year period.

Consolidated Annual Performance Evaluation Report (CAPER)

This document is prepared annually and describes the efforts and progress made in implementing the Five-Year Consolidated Plan and One-Year Action Plan for the preceding Program Year.

Program Year

The year in which CDBG, HOME and ESG activities are carried out. The program year begins July 1st and ends June 30th.

Action Plan

This document is prepared as required under Federal Register guidance for supplemental CDBG allocations for disaster related response, recovery and mitigation funding. These plans describe the needs, resources, priorities and proposed activities to be undertaken through the use of the funds.

Substantial Amendment

HUD requires grantees to submit an amendment to their Annual Action Plan as well as supplemental funding Action Plans when there is a substantial change in the allocation priorities or methods of distribution to projects funded with CDBG. A substantial amendment is defined as one of the following:

1. Project deletions or changes made in allocation priorities or methods of distribution that have the effect of changing the funding level of individual CDBG projects identified in the Annual Action Plan by more than 30% of an entitlement jurisdiction's annual funding level.
2. Any new eligible activity funded with CDBG not already identified in the Annual Action Plan or supplemental funding Action Plan.

3. Significant changes in the use of CDBG funds from one eligible activity to another, in an amount greater than 30% of the annual CDBG allocation.
4. The addition of a CDBG-MIT HUD defined “Covered Project” for CDBG-MIT funding.
5. A change in program benefit or eligibility for CDBG-DR, CDBG-MIT and CDBG-CV funded projects.
6. The deletion of any CDBG-DR, CDBG-MIT and CDBG-CV funded activity.
7. Changes made in allocation priorities or methods of distribution that have the effect of changing the funding level of individual CDBG-MIT projects identified in the CDBG-MIT Action Plan by more than 30% of that specific CDBG-MIT funding allocation.

Substantial amendments will be made available for public comment at the same locations previously described for the Consolidated Plan/Annual Action Plan. Resident comments (verbal, digital and written) received during the citizen participation process will be summarized in writing and included in an attachment to any amendments submitted to HUD.

Citizen Participation Plan Adoption / Amendments

The County will make the CPP available to the public and provide citizens with reasonable notice and opportunity to comment on the adoption of, and amendments to, the CPP. Upon request, the CPP will be provided in a format accessible to persons with disabilities. Prior to adopting or amending the CPP, the County will publish a notice in The Chronicle Newspaper, in the Lexington County’s Administration Building (a public facility) and on the County’s website establishing a minimum of 15 days for the public to comment.

Development of the Consolidated Plan

In developing the Consolidated Plan, the County will utilize information obtained through citizen participation at public hearings, written comments received, and consultation with:

- Public and private agencies that provide:
 - Assisted Housing
 - Health Services
 - Social Services For:
 - ∞ Children
 - ∞ Elderly
 - ∞ Persons with Disabilities
 - ∞ Persons with HIV/AIDS and Their Families
 - ∞ Homeless Persons
- Local Health and Child Welfare Agencies
- (Lead-Based Paint Hazards and Poisoning).
- Adjacent Jurisdictions (Non-housing Community Development Needs)
- State of South Carolina (Non-housing Community Development Needs)

- Area Planning Agencies (Central Midlands Council of Governments)

Amendments to the Consolidated Plan

HUD requires the County to amend its approved Five-Year Consolidated Plan and/or One-Year Annual Action Plan whenever one of the following decisions is made:

- To make a change in allocation priorities or a change in the method of distribution of funds;
- To carry out an activity using funds from any program covered by the Consolidated Plan not previously described in the Annual Action Plan (including program income); or
- To change the purpose, scope, location or beneficiaries of an activity.

Prior to implementation, the County will classify an amendment as either substantial or non-substantial. The public will be notified of any amendments classified as substantial and will be provided the opportunity to comment as described in Section VI (Public Comment). An amendment will be considered substantial if it meets the following criteria:

- The amendment will result in a change in the use of CDBG funds from one eligible activity to another when the activity funds are greater than 30% of the Fiscal Year's CDBG entitlement grant award.
- Adds an activity; or
- Deletes an activity

Following the implementation of any amendment, the County will notify HUD that an amendment has been made by submitting a copy of the amendment along with any supporting documentation.

Amendments to Supplemental CDBG Funding Action Plans

HUD requires the County to amend its approved funding allocation specific Action Plan whenever one of the following decisions is made:

- To make a change in allocation priorities or a change in the method of distribution of funds;
- To carry out an activity using supplemental funds not previously described in the Action Plan developed for those specific funds (including program income); or
- To change the purpose, scope, location or beneficiaries of an activity.

Prior to implementation, the County will classify an amendment as either substantial or non-substantial. The public will be notified of any amendments classified as substantial and will be provided the opportunity to comment as described in Section VI (Public Comment). An amendment will be considered substantial if it meets the following criteria:

- Any new eligible activity funded with supplemental CDBG funds, such as CDBG-DR, CDBG-MIT and CDBG-CV, not already identified in the Action Plan developed specific to those funds.

- The addition of a CDBG-MIT HUD defined “Covered Project” for CDBG-MIT funding.
- Adding additional program options or eligible activities for supplemental CDBG funds, such as CDBG-DR, CDBG-MIT and CDBG-CV funded projects.
- The deletion of any activity funded with supplemental CDBG funding such as CDBG-DR, CDBG-MIT and CDBG-CV.
- A change in the target areas served by the program.
- Changes made in allocation priorities or methods of distribution that have the effect of changing the funding level of individual CDBG-MIT projects identified in the CDBG-MIT Action Plan by more than 10% of the total CDBG-MIT funding allocation.

Following the implementation of any amendment, the County will notify HUD that an amendment has been made by submitting a copy of the amendment along with any supporting documentation.

Public Comment

Citizens are encouraged to participate and provide comments on the Five-Year Consolidated Plan, One-Year Annual Action Plan, supplemental CDBG funding Action Plans, substantial amendments and the CAPER. Prior to submission to HUD, the County will place a notice in The Chronicle Newspaper as well as on the County’s website for CDBG-MIT funded activities informing citizens of the availability of the document and the time period allowed for submitting comments before the documents are finalized and submitted to HUD. Any public comments received during the comment period shall be considered, summarized and attached to the documents prior to submission to HUD. The numbers of days allowed for public comment on each document are as follows:

- Five-Year Consolidated Plan – **30 days**
- One-Year Annual Action Plan – **30 days**
- Substantial Amendment(s) – **30 days**
- CAPER – **15 days**
- CDBG-DR – **14 days**
- CDBG-MIT – **45 days**

Public Hearings (Consolidated Plan)

The County will hold a minimum of two (2) public hearings each program year to obtain citizens views and respond to proposals and questions. The purposes of the hearings are to allow the public the opportunity to comment on:

- Program Performance

- Housing and Community Development Needs
- Development of Proposed Activities

Public hearings will be held at times and locations convenient to potential or actual beneficiaries, and with accommodation for persons with disabilities. The hearings will generally be held at the Lexington County Administration Building. Also, throughout the comment period surveys and comment cards will be left at various public facilities within Lexington County for community input. Accommodations for persons with visual, hearing or other impairments will be made upon request and reasonable notice. If a significant number of non-English speaking persons can be reasonably expected to attend the hearing, the County will make translation services available. At a minimum, hearings will be conducted during normal County business hours. When practical, hearings may be conducted after normal business hours.

The **first public hearing** is held during the development of the Consolidated Annual Performance Report (CAPER) and prior to making the Annual One-Year Action Plan or Five-Year Consolidated Plan available for public comment. The purpose of this hearing is to:

- Discuss the County’s annual performance in achieving its goals and objectives for the preceding program year, and
- Obtain views from citizens on housing and community development needs, including priority non-housing community development needs, for the upcoming program year.

Input from this hearing is utilized in finalizing the CAPER and developing the Annual One-Year Action Plan or Five-Year Consolidated Plan.

The **second public hearing** is held during the development of the Annual One-Year Action Plan or Five-Year Consolidated Plan. This hearing is held primarily to discuss and obtain views from citizens regarding the draft plan including input on proposed activities, and funding amounts.

- Public Hearing on CAPER August – September
- Public Hearing on proposed Annual Action Plan April - May

Notice of the public hearings will be published in The Chronicle and in the Lexington County’s Administration Building (a public facility) at least 7 days before the scheduled hearing date. Notices will include the date, time, location, and purpose of the hearing, and the name and phone number of the County contact person for questions and clarification.

Public Hearings (CDBG-MIT)

Per 84 FR 45838 the County is required to “hold at least two public hearings in the HUD-identified MID (Most Impacted and Distressed) areas in order to obtain citizens’ views and to respond to proposals and questions. At least one of these public hearings is to occur prior to a grantee’s publication for public comment of its action plan on its website, and all hearings are to be convened at different locations within the MID area in locations that ensure geographic balance and maximum accessibility.” These public hearings will be conducted to inform the public of the funding and its potential uses, obtain citizens views and respond to proposals and questions from the public.

Public hearings will be held at times and locations convenient to potential or actual beneficiaries, and with accommodation for persons with disabilities. The hearings will generally be held at the Lexington County Administration Building. Also, throughout the comment period surveys and comment cards will be left at various public facilities within Lexington County for community input. Accommodations for persons with visual, hearing or other impairments will be made upon request and reasonable notice. If a significant number of non-English speaking persons can be reasonably expected to attend the hearing, the County will make translation services available. At a minimum, hearings will be conducted during normal County business hours. When practical, hearings may be conducted after normal business hours.

- Notice of the public hearings will be published in The Chronicle, in the Lexington County's Administration Building (a public facility) and on the County's website at least 7 days before the scheduled hearing date. Notices will include the date, time, location, and purpose of the hearing, and the name and phone number of the County contact person for questions and clarification.

Virtual Hearings

Due to dangers posed by the COVID-19 pandemic, HUD has permitted virtual public hearings to be conducted in order to preserve the social distancing efforts engaged in as part of the COVID-19 response. HUD Community Planning and Development (CPD) has interpreted "public hearings" in the context of CDBG-MIT Federal Register notice to include virtual public hearings. The hearing will be conducted to meet the following HUD requirements:

- The hearing will allow for questions to be asked by attendees in "real time" while allowing for answers to those questions to come directly from elected representatives to ALL attendees.
- The County will "take appropriate steps to ensure effective communication with persons with disabilities consistent with the requirements of accessibility laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act." This includes providing auxiliary aides and services to persons with hearing and vision impairments to afford them the ability to access and participate in the hearing.
- The hearing will be provided through a website or digital platform that is accessible to the public where digital notification and emails are accessible.
- The County will take reasonable steps to provide meaningful access to persons with limited English proficiency consistent with Title VI of the Civil Rights Act and *Lau v. Nichols*, 414 US 563 (1974) as defined in the County's Language Access Plan.
- Minutes from virtual hearings will be made available to the public through a digital medium that is accessible and available to the public. At a minimum a copy of the minutes will be posted on the County's website.

CDBG-MIT Citizen Advisory Committee

Lexington County will develop a Citizen Advisory Committee for the CDBG-MIT funding allocation and its associated projects as required under Federal Register Notice, 84 FR 45838, August 30, 2019. The County will develop this Committee upon HUA approval of the County Action Plan for the CDBG-MIT allocation. The County's Community Development Department will work in coordination with other County departments involved with CDBG-MIT activities to identify

potential members for the committee. The County will seek to identify members from all regions of the County to help ensure an extensive geographic representation. Additionally, the County will make attempts to include members that represent a diverse make-up of County residents. Some of the people and stakeholders to be considered as part of the committee make-up will include but not be limited to:

- Neighborhood representatives/leaders
- Community representatives
- Faith based leaders
- Representatives from specific racial or ethnic groups
- Groups or stakeholders assisting seniors and the aging
- Emergency response
- School board members
- Groups serving low income populations
- Homeowner association representatives
- Community service providers such as YMCA, Habitat for Humanity, Salvation Army

Once the committee is assembled it will be required to meet in a public forum at a minimum of twice a year. The purpose of the meetings will be to provide updates to the committee regarding CDBG-MIT activities and progress. The County will also continue to collect information from the committee regarding natural hazard impacts and concerns as well as discuss ongoing hazard mitigation considerations posed by the public or being considered by the County.

CDBG-MIT Website

Lexington County will maintain a webpage within the County's website dedicated to CDBG-MIT activities and funding. The site will provide any announcements to the public regarding the Action Plan and its amendments. It will provide updates on the status of CDBG-MIT funded projects and provide contact information regarding CDBG-MIT activities and projects as well as contact information for the recordation of complaints. The website will also contain the Action Plan, all policy and procedure documents, CDBG-MIT contracts, CDBG-MIT forms and applications. Other material may be provided through the website as the County deems necessary. The CDBG-MIT website can be located at: <https://www.lex-co.sc.gov/grant-programs/cdbg-mitigation>

Meetings

In the event local meetings are held in addition to public hearings in the development of the Consolidated Plan or Action Plans, the County will provide citizens with reasonable and timely access. Notice of such meetings will be accomplished by direct invitation, media releases, or similar means to ensure that interested persons have an opportunity to participate. The County will determine the specific form and timing of notification based on the purpose of the meeting.

Availability to Public

Copies of the CPP, Consolidated Plan, substantial amendments and CAPER will be available to the public for review during normal County business hours at the Department of Community and Economic Development, Lexington County Administration Building. All documents will be made available in a form accessible to persons with disabilities upon request and with reasonable notice.

Copies of the CDBG-MIT Action Plan will be available to the public for review during normal County business hours at the Department of Community and Economic Development, Lexington County Administration Building. All documents will be made available in a form accessible to persons with disabilities upon request and with reasonable notice. Copies of the CDBG-MIT Action Plan will be made available digitally through the County's website.

Access to Records

The County will provide citizens, public agencies and other interested parties with reasonable and timely access to information and records relating to the County's Consolidated Plan, Action Plans and the County's use of CDBG assistance. Specific requests for such information must be submitted in writing to:

Robbie Derrick, Director
Lexington County
Community Development Department
212 South Lake Drive
Lexington, South Carolina 29072

Technical Assistance

The County will provide technical assistance to group representatives of persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under the County's CDBG program. The level and type of assistance provided will be determined by the County on a case-by-case basis depending on the needs and capacity of the groups requesting assistance. The technical assistance provided will not include the provision of funds to the groups.

Displacement

The County will make every effort to minimize displacement of persons affected by any CDBG activities. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (43 U.S.C. 4601), and implementing regulations at 49 CFR part 135.

Complaints

The County will provide, at a minimum, a timely, substantive, written response to all written citizen complaints related to the Consolidated Plan, amendments, CAPER, and Action Plans. The response will be provided within 15 working days, when practicable, after receipt of the

complaint. All complaints must be submitted in writing to the following address:

Robbie Derrick, Director
Lexington County
Community Development Department
212 South Lake Drive
Lexington, South Carolina 29072

Complaints regarding fraud, waste and abuse that are not adequately addressed by the County can be forwarded to HUD via the HUD OIG Fraud Hotline.

- 1-800-347-3735
- hotline@hudoig.gov