



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Erik L. Soliván

**SUBJECT:** See Below

**DATE:** May 12, 2025

Approved

Date:

5/20/25

**COUNCIL DISTRICT:** Citywide

**SUBJECT: Public Hearing to Approve the City's Amended Community Participation Plan**

## **RECOMMENDATION**

- (a) Conduct a public hearing on the City's proposed amended Community Participation Plan and accept public comments, in accordance with the United States Department of Housing and Urban Development requirements.
- (b) Approve the City's proposed amended Community Participation Plan to ensure continued compliance with federal regulations governing the use of the United States Department of Housing and Urban Development funds.

## **SUMMARY AND OUTCOME**

The Housing Department recommends that City Council conduct a public hearing and approve the City of San Jose's amended Citizen Participation Plan, which establishes how the City engages the public in the development, implementation, and evaluation of federally funded housing and community development programs.

The proposed amended Citizen Participation Plan removes temporary provisions adopted during the COVID-19 pandemic; modifies the threshold amount for substantial amendments to the Five-Year Consolidated Plan, Annual Action Plans, and Assessment of Fair Housing; and updates to the Community Participation Plan to align with current United States Department of Housing and Urban Development (HUD) requirements, while also streamlining public engagement processes and enhancing access for community participation. As part of these updates, staff also recommends renaming the document the Community Participation Plan (CPP) to better reflect the City's intent to engage a broader base of the San José community and ensure meaningful participation in the planning and implementation of HUD-funded programs.

## **BACKGROUND**

As a recipient of entitlement funds from HUD, the City is required to maintain a CPP. The CPP defines the policies and procedures the City follows to ensure inclusive and meaningful community engagement in the development of HUD-funded documents, including the Five-Year Consolidated Plan,<sup>1</sup> Annual Action Plans,<sup>2</sup> Consolidated Annual Performance and Evaluation Report,<sup>3</sup> substantial amendments,<sup>4</sup> and amendments to the CPP.<sup>5</sup>

In alignment with HUD regulations and the City's commitment to inclusive engagement, the CPP emphasizes broad community participation, with a particular emphasis on the following populations:

- Low- and moderate-income persons;
- Residents of blighted areas and predominantly low- and moderate-income neighborhoods;
- Non-English-speaking individuals;
- Individuals with disabilities;
- Public housing residents and other low-income individuals living in targeted revitalization areas; and
- The community at large.

The City's current Citizen Participation Plan includes the following components:

- 1) A description of the community participation process, including required public hearings and comment periods;
- 2) Opportunities for engagement by impacted residents, community-based organizations, and other stakeholders;
- 3) An overview of how the planning process works and how residents, community-based organizations, and other stakeholders can access and provide input on draft plans;
- 4) Guidelines for submitting public comments and standards for City responses;
- 5) Procedures for public involvement throughout all stages of the planning cycle;
- 6) Timelines for public noticing, hearings, and review periods; and

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<sup>1</sup> Five-Year Consolidated Plan: outlines long-term priorities and strategies for how the City will use HUD formula grant funds to address housing, homelessness, and community development needs.

<sup>2</sup> Annual Action Plan: outlines the specific activities and projects the City will fund each year to implement the goals of the Five-Year Consolidated Plan.

<sup>3</sup> Consolidated Annual Performance and Evaluation Report: summarizes the City's progress made toward meeting the Five-Year Consolidated Plan goals and reports on the outcomes of funded activities at the end of each program year.

<sup>4</sup> Substantial amendment: a change to a previously adopted Five-Year Plan Consolidated Plan, Annual Action Plan, or Assessment of Fair Housing, as defined in the CPP.

<sup>5</sup> Amendments to the CPP: any changes that amend a previously approved version of the City's CPP.

- 7) Provisions adopted in 2020 to allow for modified community participation procedures during the COVID-19 pandemic, including reduced comment periods, adjusted noticing requirements, and the use of virtual public hearings authorized by federal emergency waivers under the Coronavirus Aid, Relief, and Economic Security Act.

The CPP was last amended in August 2020 to incorporate temporary flexibilities authorized under the Coronavirus Aid, Relief, and Economic Security Act. Prior changes to the amended Citizen Participation Plan included reduced public comment periods, adjusted noticing requirements, and virtual-only public hearings, which were intended to expedite the deployment of federal funds during the COVID-19 public health emergency.

As of January 16, 2024, HUD notified all formula grantees of the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grants, and Housing Opportunities for Persons with Acquired Immunodeficiency Syndrome programs that COVID-19-related federal emergency waivers have expired, and jurisdictions are required to return to standard HUD community participation requirements. In response, the Housing Department has prepared an amended CPP, included as an Attachment to this memorandum, that removes temporary provisions, restores compliance with current HUD requirements, and strengthens the City's public engagement framework for future planning cycles.

## **ANALYSIS**

### ***Renaming the Citizen Participation Plan to the Community Participation Plan***

To reflect the City's inclusive approach to public engagement, staff renamed the *Citizen Participation Plan* to the *Community Participation Plan*. This change is to acknowledge and reflect a broader base of individuals, families, residents, community-based organizations, and other stakeholders impacted by HUD-funded programs. The updated title more accurately reflects the City's intent to engage all members of the San José community in the planning and implementation of HUD-funded programs.

Amending the City's CPP is necessary to ensure continued compliance and align the City's public engagement practices with current HUD requirements. The revised CPP also presents an opportunity to strengthen the City's approach to transparency, accessibility, and inclusive community participation in federally funded housing and community development programs.

## ***Key Changes in the Amended CPP***

### **Removal of COVID-19 Emergency Provisions**

Temporary provisions adopted in 2020 under the Coronavirus Aid, Relief, and Economic Security Act, such as reduced public comment periods; adjusted public notice requirements; and virtual-only public hearings, have been removed. These temporary flexibilities were designed to expedite the deployment of federal funds during the COVID-19 emergency but are no longer authorized under current federal guidance. The amended CPP restores full compliance with HUD's standard community participation requirements.

### **Increased Threshold for Substantial Amendments**

To reflect the scale of current federal allocations, the proposed amendment modifies the threshold for substantial amendments:

**Funding Reallocation:** Increases or decreases the amount allocated to a funding category by \$250,000, or by an amount exceeding 25% of the total allocation for that funding category, whichever is greater.

This update reduces the administrative burden associated with routine budget shifts while preserving public review for changes to the use of funds or funding amount above the threshold.

### **Recognition of Community Meetings as Public Hearings**

The amended CPP formally recognizes community meetings as public hearings when they are publicly noticed and meet HUD standards for accessibility and public engagement, providing the City with greater flexibility in how it gathers community input while maintaining compliance with HUD's participation requirements.

For the purposes of the CPP, a public hearing is defined as a publicly noticed meeting that gathers input on housing and community development needs, including those addressed in HUD-funded documents, and allows the public to provide comment, either in advance or during the hearing. This definition reflects HUD's public engagement requirements and allows flexibility in format and venue, such as holding a hearing at the Commission level or through a community meeting, when appropriate, provided the meeting is publicly noticed and allows for community input.

While HUD-funded documents will still be presented to City Council for review and approval, a separate public hearing at City Council may not be required if the hearing requirement has already been satisfied through another eligible venue. This approach aligns with HUD's flexibility on how jurisdictions structure public participation to gather and document community feedback.

## **EVALUATION AND FOLLOW-UP**

Upon City Council approval, the amended CPP will take effect immediately and apply to all future HUD-funded plans and reports, including the Five-Year Consolidated Plan, Annual Action Plans, Consolidated Annual Performance and Evaluation Report, and any substantial amendments. No additional follow-up is anticipated unless further amendments to the CPP are proposed.

## **COORDINATION**

This item has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 3, 2025 City Council meeting. The proposed amended CPP was made available for public review and comment from May 15, 2025, through May 31, 2025, on the Housing Department's website.<sup>6</sup> During this public comment period, staff from the Housing Department also conducted a public hearing to present this item to the Housing and Community Development Commission on May 8, 2025.

The proposed amended CPP was also publicized through an e-blast issued by the Housing Department before the June 3, 2025 City Council public hearing. Additionally, in accordance with the City's Language Access Plan and existing CPP guidelines, a public notice was published in the Mercury News (English), El Observador (Spanish), Asian Journal (Tagalog), Vietnam Daily (Vietnamese), and World Journal (Chinese). The public notice included information to promote broader access and inform the community about how to obtain translated materials or language assistance to review the proposed amended CPP and engage in the public process.

## **COMMISSION RECOMMENDATION AND INPUT**

On May 8, 2025, the City's proposed amended CPP was presented to the Housing and Community Development Commission for a public hearing and to gather input. Following the public hearing, the Housing and Community Development Commission recommended moving forward with the proposed amendments.

The only substantive revision resulting from the Housing and Community Development Commission's feedback was a clarification that regular meetings for the Housing and

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<sup>6</sup> Housing Department's website, Web Link: [www.sanjoseca.gov/housingconplan](http://www.sanjoseca.gov/housingconplan)

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Community Development Commission are held on the second Thursday of each month. This change has been incorporated into the updated version of the amended CPP (attached to this memorandum) to accurately reflect the Housing and Community Development Commission's standard meeting schedule.

## **CEQA**

Not a Project, File No. PP17-008, General Procedure and Policy Making, resulting in no changes to the physical environment.

## **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

Erik L. Soliván  
Housing Director

The principal author of this memorandum is Annette Tran, Interim Senior Development Officer. For questions, please contact Cupid Alexander, Deputy Director, Housing Department, at [cupid.alexander@sanjoseca.gov](mailto:cupid.alexander@sanjoseca.gov).

**Attachment** – Amended Community Participation Plan (formerly titled the Citizen Participation Plan)



**Community ~~Citizen~~ Participation Plan**

*for*

**United States Department of Housing and Urban Development Programs**

Amended: 06/03/2025  
Adopted: 08/04/2020

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## CITY OF SAN JOSÉ HOUSING DEPARTMENT **COMMUNITY CITIZEN PARTICIPATION PLAN**

### INTRODUCTION

The City of San José receives the following entitlement grants from the federal government: Community Development Block Grant (CDBG), HOME Investment Partnership Program, Housing Opportunities for People with AIDS (HOPWA), and Emergency Solutions Grants (ESG).

As a requirement for receiving these entitlement grants, Title I of the National Affordable Housing Act mandates that jurisdictions prepare:

- A five-year Consolidated Plan (Five-Year Plan) and Annual Action Plans (Annual Plans) that identify local community development needs and set forth a funding strategy to address those needs.
- A Consolidated Annual Performance Evaluation Report (CAPER) that assesses the jurisdiction's annual achievements relative to the goals described in the Five-Year Plan.

The Consolidated Plans and Performance Report must address both affordable housing and non-housing-related community development needs.

This **Community Citizen** Participation Plan (CPP) describes the City of San José's process facilitating and engaging the community to participate in an advisory role in the planning, implementation, and assessment of the Consolidated Plan and its associated Performance Report for federally funded entitlement programs.

The CPP has been amended to reflect current community engagement practices and to align with regulatory requirements under Title 24 of the Code of Federal Regulations, Part 91 (24 CFR Part 91), which establishes the minimum standards for community participation. These updates aim to increase accessibility, transparency, and inclusivity in the City's federal housing and community development funds decision-making process.

### OBJECTIVES OF THE **COMMUNITY CITIZEN** PARTICIPATION PLAN

The CPP establishes standards to promote community participation in developing the Five-Year Plan, the Annual Plans, amendments to the Five-Year Plan, Annual Plans, and the CAPER. The CPP is designed to especially encourage participation by low- and moderate-income persons, including those living in blighted areas.

The objectives of the CPP are:

- 1) To form a community participation structure that adheres to the provisions of the United States Housing and Urban Development (HUD) Code of Final Regulations for the Consolidated Plan (24 CFR Part 91, et seq., dated January 5, 1995) and subsequent revisions.
- 2) To provide all communities of the City, especially those specified in 24 CFR Part 91 Sec. 91.105 (a), and who live in areas where federal funds are being used or proposed to be used, with the opportunity to:
  - a) Attend public hearings;
  - b) Define local needs;
  - c) Review and evaluate the Consolidated Plan and related reports; and
  - d) I recommend the use of federal entitlement funds for spending.
- 3) To provide adequate community involvement in all phases of planning for the use of federal funds, including the:
  - a) Identification of housing and community development needs;
  - b) Review and approval of the Five-Year Plan and Annual Plans, including the proposed use of federal entitlement funds;
  - c) Review and approval of substantial amendments to the Five-Year Plan or Annual Plan; and
  - d) Review of the City's progress in achieving the goals set out in the Five-Year Plan and Annual Plans, through the CAPER.
- 4) To provide adequate community involvement in creating the Assessment of Fair Housing, per federal, state, or both requirements.

## DEFINITIONS

### ***SUBSTANTIAL AMENDMENT***

A substantial amendment is a change to a previously adopted Five-Year Plan Annual Action Plan, or Assessment of Fair Housing, that:

- **Funding Reallocation:** Increases or decreases the amount allocated to a funding category by \$250,000, or by an amount exceeding 25% of the total allocation for that category, whichever is greater. (See Funding Categories definition below.)
- Increases or decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding. (See Funding Categories definition below.)
- **Change in Beneficiaries:** Significantly alters the intended beneficiaries or persons to be served by a program or activity.
- **New Activity:** Funds a new activity not previously described in the Action Plan.

### **MINOR AMENDMENT**

A change to a previously adopted Five-Year Plan, Annual Plan, or Assessment of Fair Housing that does not meet the thresholds to qualify as a Substantial Amendment. A minor amendment includes monetary changes or shifts, regardless of size, that are:

- 1) Necessary for substantially preserving all the programs and activities identified in a plan; and
- 2) Necessitated by significant changes in the funding levels between HUD's initial estimates of funding amounts and HUD's final allocation notification.

### **ASSESSMENT OF FAIR HOUSING**

The Assessment of Fair Housing (AFH) is an analysis of fair housing issues and contributing factors in a program participant's jurisdiction and region that results in goals the program participant sets forth to achieve over the program participant's subsequent planning cycle. It includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals.

### **FUNDING CATEGORIES**

For the purposes of the CPP, the following are funding categories within each federal funding source. These categories are used to determine whether an amendment to the Consolidated Plan qualifies as a substantial amendment.

- **CDBG**
  - Public Service;
  - Administration, Planning, and Fair Housing;
  - Community Development (Non-Construction): To include, but not be limited to, Code Enforcement, Housing Rehabilitation, and Economic Development; and
  - Community Development (Construction): To include, but not be limited to, public facility improvements, street improvements, and Americans with Disabilities Act curb ramps.
- **ESG**
  - Emergency shelter operations and street outreach;
  - Homeless prevention and rapid re-housing; and
  - Homeless management information.
- **HOME**
  - Rental housing development (new construction or rehabilitation);
  - Owner-occupied housing rehabilitation;
  - Homebuyer assistance;
  - Tenant-based rental assistance; and
  - Program administration.

- **HOPWA**

- Rent payments;
- Mortgage payments;
- First month's rent and security deposits;
- Utility payments;
- Information/support to locate and apply for housing assistance;
- Move-in support; and
- Emergency shelter vouchers at motels/hotels/other temporary sites.

- ◆ ~~Emergency funding, such as funding from the federal Coronavirus Aid, Relief, and Economic Security Act.~~

***ANNUAL ACTION PLAN (Annual Plan)***

The Consolidated Annual Action Plan sets forth the annual funding provided to the City by HUD and describes the activities that the City plans to undertake using those funds over the course of a fiscal year to achieve the goals identified in the Five-Year Plan.

***COMMUNITY CITIZEN PARTICIPATION PLAN (CPP)***

The CPP outlines how a jurisdiction will actively facilitate community participation, particularly for those with low- and moderate-incomes, in the planning process for the Five-Year Plan, the Annual Plans, amendments to these plans, the CAPER, and the AFH.

***CDBG***

The CDBG program allocates annual grants on a formula basis to entitlement jurisdictions for community development activities that provide decent housing, a suitable living environment, and expanded economic opportunities, principally for low- and moderate-income persons.

***CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)***

HUD requires all entitlement jurisdictions to prepare a CAPER at the end of each fiscal year. The CAPER details the jurisdiction's accomplishments in meeting the goals outlined in its Consolidated Plan.

***HUD***

HUD is the government agency that oversees most federal homeownership, affordable housing, fair housing, homelessness, and community and housing development programs.

***DISPLACEMENT POLICY***

Displacement in this context refers to the involuntary relocation of individuals from their residences due to housing development and rehabilitation activities paid for by federal funds.

***ELIGIBLE ACTIVITY***

Eligible activities are activities allowable in the four federally-funded programs, (CDBG, ESG, HOME, and HOPWA) covered by the CPP and as defined in the Code of Federal

Regulations Title 24 for HUD . All eligible activities fall within a specific funding category defined in the Funding Categories section above.

***EMERGENCY SOLUTIONS GRANT (ESG)***

The ESG program (formerly Emergency Shelter Grant) provides homeless persons with basic shelter and essential supportive services. The grant can be used to assist with operational costs of a shelter, supportive services, and related administrative costs.

***FIVE-YEAR CONSOLIDATED PLAN (Five-Year Plan)***

HUD requires jurisdictions receiving entitlement funds to prepare a Consolidated Plan every five years. The Consolidated Plan provides a comprehensive overview of a jurisdiction's housing and community development needs, its priorities and strategies, and how the jurisdiction's actions will address the identified needs over the subsequent five years.

***HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)***

HOME is the largest federal block grant designed exclusively to create affordable housing for low-income households. The HOME program provides formula grants to states and localities to fund a wide range of activities that build, buy, and/or rehabilitate affordable rental or homeownership housing or provide direct rental assistance to low-income people.

***HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS (HOPWA)***

HOPWA is the only federal program dedicated to addressing the needs of low-income individuals living with Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome and their families. HUD provides formula grants to states and local jurisdictions to support a range of housing and supportive and supportive services. These services include permanent and transitional housing, rental assistance, case management, mental health services, and assistance with daily living to help individuals maintain stable housing and improve their quality of life.

***PUBLIC HEARING***

The primary purpose of a public hearing is to obtain public testimony or comment on housing and community development needs, as outlined in the Five-Year Plan, Annual Plan, CAPER, AFH, substantial amendments, and amendments to the CPP. Public hearings must be publicly noticed—typically advertised in local newspapers and made accessible to limited English proficient individuals and individuals with disabilities.

For the purpose of the CPP, a public hearing is defined as a publicly noticed meeting that gathers input on housing and community development needs, including those addressed in HUD-funded plans or amendments, and allows the public an opportunity to provide comment, either in advance or during the hearing. This definition reflects HUD's public engagement requirements and allows for flexibility in format and venue, such as holding a hearing at the Commission level or through a community meeting, when appropriate, provided the meeting is publicly noticed and allows for community input.

While HUD-funded plans and amendments will still be presented to City Council for review and approval, a separate public hearing at City Council may not be required if the hearing requirement has already been satisfied through another eligible venue. This approach aligns with HUD's flexibility on how jurisdictions structure public participation to gather and document community feedback.

## **ROLES AND RESPONSIBILITIES FOR COMMUNITY PARTICIPATION**

### **SAN JOSE CITY COUNCIL**

The San José City Council (City Council) is the elected legislative body governing the City of San José. It is responsible for approving the City's Five-Year Plan, Annual Plans, amendments to those plans, and CAPER before submitting these approved documents to HUD. The City Council is also the Board of Commissioners for the San José Housing Authority.

Under the CPP, only the Five-Year Plan and Annual Plan require a City Council public hearing. To expand the ability of individuals with disabilities and others with difficulties in attending in-person meetings, virtual public hearings may also be used in combination with in-person meetings. City Council meetings are held in ADA-compliant facilities, and upon request, the City provides accommodations such as American Sign Language interpretation, oral interpretation, and materials in alternative formats (e.g., braille or large print. Additionally, in-person Spanish and Vietnamese interpretation are available upon request.

City Council meetings are generally held every Tuesday beginning at 1:30 pm and, on occasion, evening sessions at 6 pm. The meetings are held at the San José City Hall, Council Chambers, located at 200 East Santa Clara Street, San José, CA 95113, unless otherwise noted on the San José City Council's "participate and watch public meetings" webpage.<sup>1</sup> All City Council meetings are held in facilities accessible to persons with disabilities. In times of emergency, meetings may be held virtually online with advance public notice.

### **HOUSING AND COMMUNITY DEVELOPMENT COMMISSION**

The Housing and Community Development Commission (HCDC), appointed by the San José City Council, is composed of 11 community members of the City of San José. The Commission's function is advisory to the San José City Council and the Housing Department on matters relating to:

- Housing and community development policy and programs;
- The administration of and policy/regulatory change to the City's Mobilehome Rent Ordinance;
- The administration of and policy/regulatory change to the City's Rental Dispute and Arbitration Ordinance;
- Preparation of reports and recommendations, as requested by the San José City

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<sup>1</sup> San José City Council's "participate and watch public meetings" webpage, Web Link: <https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings#watch>

Council or City Manager, related to mobilehome parks and mobilehome living in San José.

The Commission has, on occasion, difficulty assembling a quorum due to vacancies, resulting in the cancellation of meetings that had been noticed as public hearings. Some of these hearings, which required long lead times for public notice, as required by this CPP, had to be rescheduled. To address this, the City Council has approved the following exception:

- The Housing Director, or their designee, may hold a public hearing related to the approval of the Consolidated Plan, Annual Action Plan, or Substantial Amendments, when HCDC is unable to do so due to time constraints or a lack of quorum.

#### ***HCDC Meeting Time and Location***

HCDC typically meets at San José City Hall, located at 200 East Santa Clara Street, San José, CA 95113. Regular meetings are held on the second Thursday of each month (except for July and December, in certain years) at 5:45 pm. HCDC may also hold special and/or subcommittee meetings, as needed, and at times and dates outside the regular meeting schedule, to address time-sensitive matters or when the full commission is unable to convene for its regular meeting schedule.

All HCDC meetings are held in facilities that are accessible to individuals with disabilities. To further expand access, virtual meeting options may be used in combination with in-person meetings, in accordance with HUD guidelines and the State of California's Brown Act. Written public comments may be submitted in advance of HCDC meetings and will be provided to the Commission as part of the meeting record.

#### **COMMUNITY MEETINGS**

The amended CPP formally recognizes community meetings as public hearings when they are publicly noticed and allows for community input while meeting HUD standards for accessibility and public engagement. This change allows for greater flexibility in how the City gathers community input, while continuing to meet compliance with HUD's community participation standards.

Community meetings are essential to the City's strategy to promote inclusive and accessible public engagement in the planning and implementation of federally funded housing and community development programs and activities. These meetings are designed to be community-centered forums for discussion, especially in neighborhoods most impacted by the use of HUD funds.

The City of San José Housing Department is responsible for planning, facilitating, and providing public notice of community meetings. These meetings may take the form of town halls, open houses, pop-up events, or listening sessions, and are intended to:

- Gather early input from the community regarding needs, priorities, and ideas related to housing and community development;
- Provide updates and solicit feedback on draft plans, amendments, and reports

related to HUD-funded programs and activities;

- Increase participation among underrepresented groups, including low- and moderate-income residents, limited English proficient individuals, and individuals with disabilities;
- Build trust and transparency between the City and the community it serves.

Meetings will be held in accessible locations across the city and at varied times to accommodate residents. Virtual participation options may also be included to increase accessibility. Interpretation services and reasonable accommodations will be provided with advance notice. Feedback collected during community meetings will be documented and considered during the development or amendment of relevant plans.

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### **THE CITY OF SAN JOSE HOUSING DEPARTMENT**

The City of San José Housing Department (Housing Department) is the primary administrative entity tasked with developing the Five-Year Plan, the Annual Plans, amendments to these plans, the CAPER, and the AFH for the City. The Housing Department makes recommendations on the use of federal entitlement funds and is measures the effectiveness of the use of federal funds in meeting the objectives defined in the Consolidated Plan.

The Housing Department is responsible for encouraging the participation of local and regional institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) in the process of developing and implementing the Consolidated Plan and the AFH. The Housing Department is also responsible for encouraging the participation of public and private organizations through targeted consultations, including but not limited to broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies in the process of developing the Consolidated Plan.

## **COMMUNITY CITIZEN PARTICIPATION PLAN POLICIES**

### **AVAILABILITY OF DRAFT AND APPROVED DOCUMENTS**

The draft and final versions of the Five-Year Plan, Annual Plans, CAPER, all related amendments, and the AFH will be made available online on the Housing Department website.<sup>2</sup> Printed copies of the documents can be made available by contacting the City of San José Housing Department in writing at the following mailing address: San José Housing Department, 200 East Santa Clara St., 12<sup>th</sup> Floor, San José, CA 95113, or by calling the Housing Department's main office line at 408-535-3860.

Draft versions of the Five-Year Plan, Annual Plans, substantial amendments, and AFH will be available for public review and comment for a minimum of 30 days prior to their final adoption by City Council. The draft CAPER and draft amendments to the CPP will be available for public review and comment for a minimum of 15 days prior to their final

<sup>2</sup> San José Housing Department webpage, Web Link: [www.sjhousing.org](http://www.sjhousing.org)

adoption by the City Council.

Adopted versions of the Consolidated Plan, Annual Action Plans, amendments, CAPERs, and the AFH will be made available to community members, public agencies, and other interested parties upon request. These documents outline how the City has used CDBG, ESG, HOME, and HOPWA funds over the past five years.

### **PUBLIC HEARINGS**

The following guidelines apply to public hearings related to plans and reports administered by the City of San José's Housing Department, including the Consolidated Plan, Annual Action Plan, CAPER, AFH, and related amendments:

- a) The City of San José will hold a minimum of three (3) public hearings for the Five-Year Plan, and the Annual Plan, ~~and the AFH~~ and a minimum of two (2) public hearings for the CAPER, AFH, substantial amendments, and amendments to the CPP. The hearings will include at a minimum:

For the Five-Year Plan and Annual Action Plan:

- o At least one (1) community meeting held prior to publication of the draft Five-Year Plan or Annual Action Plan documents to gather public input on housing and community development needs, including non-housing community development priorities;
- o At least one (1) HCDC hearing to review the draft Five-Year Plan and/or Annual Action Plan;
- o At least one (1) City Council hearing on the draft of the Five-Year Plan, ~~and/or Annual Plan, CAPER, the AFH, any Plan amendments and amendments to the CPP before the HCDC, for which purpose the Grants-Standing Subcommittee of the Commission may hold the hearing on behalf of the full Commission if a quorum of the full Commission is not available;~~ and;

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For the CAPER, AFH, substantial amendments, and amendments to the CPP:

- o At least one (1) community meeting or one (1) HCDC hearing to receive comments on the draft document;
- o At least one (1) City Council hearing prior to its adoption of the final ~~Five-Year Plan, Annual Plan, CAPER, AFH, or substantial amendments.~~
- o Notwithstanding the above, the Housing Director or Housing Director Designee may, in lieu of the HCDC, hold the required public hearing related to the approval of the Consolidated Plan, Annual Plan, CAPER, AFH, Plan Amendments, and Amendments to the CPP, if the HCDC is unable to hold such a hearing due to time constraints or a lack of quorum.

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- b) Notwithstanding the above, the Housing Director, or their Designee, may, in lieu of the HCDC hearing, hold the required public hearing related to the approval of the Consolidated Plan, Annual Plan, CAPER, AFH, plan Amendments, and Amendments to the CPP, if HCDC is unable to hold such a hearing due to time constraints or a lack of quorum.

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b)c) All public hearings will be held at accessible locations in San José, typically at San José City Hall. The City will provide listening devices and other accommodations for individuals with disabilities upon request, with at least three (3) business days' prior notice. To further expand access for individuals with disabilities and others with difficulties attending in-person meetings, virtual public hearings may be offered in combination with in-person meetings, to the extent allowed by the State of California's Brown Act.

e)d) Public Hearings will be held during the evening hours when feasible.

e)e) Interpretation services for individuals with limited English proficiency or for hearing-impaired individuals will be provided upon request, with at least three (3) business days' prior notice.

#### **NOTICES OF HEARINGS AND REVIEW PERIODS**

The City will provide community members, public agencies, and other interested parties with notice of their opportunity to comment on the CPP, Five-Year Plan, Annual Plan, CAPER, Substantial Amendments, and AFH to these documents using United States Postal Service mail, e-mail, or in person at public hearings.

To ensure that all community members, including minorities, limited English proficiency individuals, individuals with disabilities, community members of public housing, and lower-income community members, including those living in revitalization areas, can participate in the process:

- a) The Housing Department will also provide public notices of meetings and/or public hearings on the Five-Year Plan, Annual Action Plan, CAPER, substantial amendments, and the AFH via alternative distribution methods such as e-mail, website postings, and newspaper publications. Public notices will be in English and include a paragraph in each of San José's most frequently used languages (Spanish, Vietnamese, Chinese, and Tagalog) with instructions on obtaining additional information in those respective languages. The City will also distribute these public notices to various stakeholder mailing lists, including but not limited to: Affordable Housing Developers, Anti-Displacement Policy, Assessment of Fair Housing, Housing Department General Interest, and Market-Rate Developers.
- b) The public notices will inform interested community members of the availability of relevant draft documents for public review and include a summary of the document, its contents, and purpose. The public notices will also describe how to obtain a copy of the document for review and include information on how to access staff reports at the HCDC and City Council agenda websites.
- c) Public notices will be distributed and published in newspapers at least fourteen (14) days before public hearings and will include information regarding how to request accommodations and services available for individuals with disabilities who wish to participate in the public hearings.
- d) Public Notices for the Five-Year Plan, Annual Action Plan, CAPER, substantial

amendments, amendments to the CPP, and the AFH will be published for one day in the *Mercury News* or another local English language widely circulated local newspaper and in local non-English language newspapers, including, Spanish, Vietnamese, Chinese, and Tagalog language newspapers. This approach ensures broader community outreach while also meeting HUD's requirement for at least two public notices on different days.

Public Notices will be sent to e-mail distribution lists maintained by the Housing Department. Although the City will prioritize the use of e-mail to distribute the notices to the community, hard copies will continue to be mailed via the United States Postal Service to individuals who do not have access to email upon request.

- e) Public notices will also be posted on the Housing Department's website.<sup>3</sup>
- f) Public notices regarding the availability of draft documents and the review periods for the Five-Year Plan, Annual Plan, substantial amendments, and AFH, and the review period for the CAPER and CPP amendments, will be distributed, published, and posted on the Housing Department's website.

The City's standard practice is to combine public notices that fulfill multiple individual requirements into one document for publication and distribution. See **Appendix A** for an example.

The City is receptive to suggestions on ways to improve its processes for notifying the public about hearings and the availability of reviewing draft documents.

#### **NOTICES OF PUBLIC HEARINGS – MINOR AMENDMENTS**

By definition, minor amendments to the Five-Year Plan, Annual Plan, or AFH are those falling below a threshold that requires certain public notifications, public hearings, and public body approvals as specified in this CPP. However, the City's municipal code and transparency guidelines may dictate that certain minor amendments must adhere to notice and/or public approvals outside the scope of this CPP. In those cases, posting of recommended minor amendments on the agenda websites for the HCDC and City Council – at least seven (7) days prior to the HCDC meeting and at least 10 days prior to the City Council meeting – constitutes adequate notice to the public for the purposes of this CPP.

#### **OTHER GUIDELINES FOR FIVE-YEAR PLAN, ANNUAL PLAN, SUBSTANTIAL AMENDMENTS, AND AFH**

The draft Five-Year Plan, Annual Action Plan, and AFH will be developed based on the following guidelines:

- a) The Housing Department will solicit input from San José community members, nonprofits, service providers, housing advocates, public agencies, and others interested in housing, homelessness, and community development issues during the Five-Year Plan, Annual Action Plan, and AFH development process.

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<sup>3</sup> San José Housing Department webpage, Web Link: [www.sjhousing.org](http://www.sjhousing.org)  
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- b) Each Five-Year Plan, Annual Action Plan, substantial amendment, and AFH will have a public review period of not less than thirty (30) days to enable the public to provide comments prior to final adoption by the City Council.
- c) The City will consider comments and views expressed by community members and other interested parties, either in writing or orally at public meetings, regarding the Five-Year Plan, Annual Action Plan, substantial amendment, or AFH before final adoption by the City Council. The City will provide, as an attachment to the final Five-Year Plan, Annual Action Plan, or substantial amendments submitted to the HUD, all written communications received and a summary of each oral comment, the City's subsequent action, and the reasons for non-action, if none was taken. This information will also be made available to the public as part of the final document.

#### **OTHER GUIDELINES FOR CAPER**

The development of the CAPER will include the following community participation guidelines:

- a) The City will establish a public review period of not less than fifteen (15) days to allow for public comments prior to final adoption by the City Council.
- b) The City will consider comments and views expressed by community members and other interested parties, either in writing or orally at public meetings, regarding the performance reports prior to City Council action. The City will provide, as an attachment to the final performance report submitted to HUD, all written communications received and a summary of each oral comment, the City's subsequent action, and the reason for non-action, if none was taken. This information will be made available to the public as part of the final document.

#### **AMENDMENTS TO THE COMMUNITY CITIZEN PARTICIPATION PLAN**

The CPP will be posted at the Housing Department's website.<sup>4</sup> Copies will also be available for pick-up, upon written or oral request, at the Housing Department, 200 East Santa Clara Street, 12<sup>th</sup> Floor, San José, CA 95113.

Any change to the CPP will be subject to the following guidelines:

- a) The City will establish a public review period of not less than fifteen (15) days to receive public comments prior to final adoption of the CPP by the City Council.
- b) The City will consider comments and views expressed by the community and other interested parties, either in writing or orally at public meetings, regarding the CPP prior to City Council action.

#### **DISPLACEMENT POLICY**

As part of the CPP, the City must maintain a displacement policy. Displacement for these purposes refers to the involuntary relocation of individuals from their residences due to

<sup>4</sup> San José Housing Department webpage, Web Link: [www.sjhousing.org](http://www.sjhousing.org)  
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housing development and rehabilitation paid for with federal funds. The City will continue to use existing federal and state relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the state of California have specific requirements dictating the amount of benefits and assistance that must be provided to lower-income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced individuals may be offered one or more of the following:

- A rent subsidy for another unit;
- A cash payment to be used for rent or a down payment on the purchase of a dwelling unit; or
- Moving and related expenses.

The City's rehabilitation programs may also address relocation issues when they provide minor additions to existing dwellings to address overcrowding. For clients of the City's rehabilitation programs, any temporary relocation costs are included as part of the rehabilitation loan package.

#### **AVAILABILITY OF AND ACCESS TO RECORDS**

Information on the City's Five-Year Plans, including records or documents over the previous five years related to the CPP, the current Consolidated Plan, the Annual Action Plans, CAPER, program regulations, and AFH will be available for community review during regular business hours (8 am – 5 pm) at the Housing Department, 200 East Santa Clara Street, 12<sup>th</sup> floor, San José, CA 95113, upon written or oral request. If the Housing Department is unable to provide immediate printed access to any documents requested, the City will make every effort to provide the documents and reports within ten (10) days from the receipt of the request. These documents are also posted electronically on the Housing Department's website.<sup>5</sup>

#### **TECHNICAL ASSISTANCE**

The City will, to the extent practicable, respond to requests for technical assistance from groups representing low- and moderate-income individuals who are developing funding proposals for programs covered under the Consolidated Plan, in accordance with HUD requirements. This assistance may include, but is not limited to, providing guidance on completing applications, identifying other potential funding sources, and referrals to appropriate agencies within or outside the City of San José. "*Technical assistance*," as used here, does not include the provision of funds to groups requesting such assistance.

The Housing Department will also provide assistance to community members seeking clarification on the Housing and Community Development Act, interpretation of specific HUD regulations, or project eligibility criteria for federal grants.

#### **COMPLAINTS**

Complaints from members of the public regarding the Consolidated Plan, its related amendments, and performance reports, or AFH may be submitted to the City of San

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<sup>5</sup> San José Housing Department webpage, Web Link: [www.sjhousing.org](http://www.sjhousing.org)  
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José, Housing Department, located at 200 East Santa Clara Street, 12<sup>th</sup> Floor, San José, CA 95113. Complaints will be referred to the appropriate City staff for disposition. The City will provide substantive, written responses to all complaints within fifteen (15) days of receipt. Each federal program also has a separate appeals process for grant applicants.

## **PROCEDURES IN THE EVENT OF A LOCAL, STATE, AND/OR NATIONAL DECLARATION OF AN EMERGENCY**

In the event of a local, state, and/or national declaration of an emergency, virtual public hearings may be used in lieu of or in combination with in-person public hearings if City offices are closed or otherwise inaccessible to the public, a shelter-in-place order is in effect, and/or national or local public health authorities recommend social distancing and limiting public gatherings for public health reasons. Translation and interpretation services, along with accommodations for individuals with disabilities, will be provided upon request and with advance notice, to the greatest extent possible.

In the event of a local, state, and/or national declaration of an emergency, the public notice period will be a minimum of seven (7) days prior to the first public hearing. All public notices must include, at minimum, information on how to obtain additional details in each of San José's most commonly used languages, including, but not limited to, Spanish, Vietnamese, Chinese, and Tagalog.

In the event of a local, state, and/or national declaration of an emergency, the public comment period will be reduced to a minimum of five (5) days prior to approving formal changes to any HUD-funded documents.

Public notices will be posted on the Housing Department's webpage<sup>6</sup> and sent via e-mail distribution lists. Publications in newspapers are not required.

In emergency situations, these modified procedures, including reduced public notice and comment periods, are used instead of the standard requirements outlined elsewhere in this CPP.

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<sup>6</sup> San José Housing Department webpage, Web Link: [www.sjhousing.org](http://www.sjhousing.org)  
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## APPENDIX A – SAMPLE PUBLIC NOTICE



### NOTICE OF PUBLIC HEARINGS & MEETINGS FOR THE DRAFT FY 2024-2025 ANNUAL ACTION PLAN

THE CITY OF SAN JOSE IS DEVELOPING ITS DRAFT FY 2024-2025 ANNUAL ACTION PLAN. THIS NOTICE PROVIDES A SCHEDULE OF PUBLIC HEARINGS AND OPPORTUNITIES FOR PUBLIC REVIEW AND COMMENT.

The draft FY 2024-2025 Annual Action Plan (AAP) governs the use of federal funds from the U.S. Department of Housing and Urban Development. The City's funds received by formula from HUD include Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME Investment Partnerships (HOME), and Housing Opportunities for Persons with AIDS (HOPWA). The City's formula funds average approximately \$14 million annually, depending on the federal budget. The development of this Plan is significantly informed by public feedback.

If you would like to provide comments on the Plan amendment, the City welcomes your attendance at any of the meetings listed in the schedule below. Additionally, comments may be provided by phone, regular mail (to the City of San José Housing Department, 200 E. Santa Clara Street, 12<sup>th</sup> Floor, San José, California 95113), or by email via the contact information listed below for both English speakers and those with limited English proficiency. The draft FY 2024-2025 Annual Action Plan will be made available for public comment on the [Housing Department's website](#) from March 30, 2024 through April 30, 2024.

To request special accommodations for any of the meetings or an alternative format for any related printed materials, please call (408) 294-9337 (TTY) as soon as possible, but at least three business days before the meeting. All public meetings are accessible to those with mobility impairments.

#### Schedule of Public Hearings

What	Who	Where	When
Release of the Draft FY 2024-2025 AAP Start of 30-day public comment period	See the Housing Department's website, <a href="http://www.sanjoseca.gov/housingconplan">http://www.sanjoseca.gov/housingconplan</a> to find electronic copies, or call (408) 793-5542 or (408) 294-9337 (TTY) for paper copies	City of San José - Housing 200 E. Santa Clara St, 12 <sup>th</sup> Floor (Tower)	<b>Public Comment Period:</b> March 30, 2024 – April 30, 2024
Public Hearing of the Draft FY 2024-2025 Annual Action Plan	Housing and Community Development Commission	<b>Hybrid meeting</b> - Committee Rooms 118-120 and Zoom link <a href="https://www.sanjoseca.gov/your-government/departments/housing/about-us/housing-community-development-commission/agendas-minutes/4/siteid-1">https://www.sanjoseca.gov/your-government/departments/housing/about-us/housing-community-development-commission/agendas-minutes/4/siteid-1</a>	April 11, 2024, starting at 5:45pm  Public comments received in person only.
Public Hearing and Approval of the Draft FY 2024-2025 Annual Action Plan	San José City Council	San José City Hall 200 E. Santa Clara Street <b>Hybrid meeting</b> – Council Chambers and Zoom link <a href="https://www.sanjoseca.gov/news-stories/watch-a-meeting">https://www.sanjoseca.gov/news-stories/watch-a-meeting</a>	April 30, 2024, starting at 1:30pm  Public comments received in person only.

Meeting dates may be subject to change. Please check <http://www.sanjoseca.gov/housingconplan> for updates.

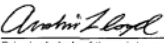
**CONTACT INFORMATION:** For questions or comments regarding the Draft FY 2024-2025 Annual Action Plan, please contact Stephanie Gutowski at (408) 975-4420 or [stephanie.gutowski@sanjoseca.gov](mailto:stephanie.gutowski@sanjoseca.gov)

**PARA RESIDENTES QUE HABLAN ESPAÑOL:** Para preguntas o comentarios acerca de Proyecto FY 2024-2025 Planes de Acción Anual, por favor contactar a Luisa Cantu (408) 535-8357.

**THÔNG TIN LIÊN LẠC:** Nếu quý vị có những câu hỏi hay ý kiến liên quan đến Bản Dự Thảo Báo Cáo Thẩm Định Thành Quả Hàng Năm (CAPER) và Bản Dự Thảo Về Những Thay Đổi Kế Hoạch Đáng Kể Hàng Năm cho Tài Khoản 2024-2025, xin vui lòng liên lạc cô Janie Lê qua số điện thoại (408) 975-4414 hoặc qua điện thư [Janie.le@sanjoseca.gov](mailto:Janie.le@sanjoseca.gov)

使用華語的聖荷西居民：此通知是市府 綜合年度績效報告和 2024-2025 年度計劃的重要改變。此通知提供公聽會的日期以及公眾的檢閱和建議。詳細資料，請電・華語 (408) 975-4450。

**APPENDIX B – SAMPLE AFFIDAVIT OF PUBLICATION**

<b>San Jose Mercury News</b> 75 E. Santa Clara St., Suite 1100 San Jose, CA 95113 408-920-5332	Legal No. 0006815767
2003193	
CALIF. NEWSPAPER SVC. BILLING DEPT. PO BOX 60460 LOS ANGELES, CA 90060	
<b>PROOF OF PUBLICATION IN THE CITY OF SAN JOSE IN THE STATE OF CALIFORNIA COUNTY OF SANTA CLARA</b>	
<b>FILE NO. 3791466</b>	
<b>San Jose Mercury News</b>	
<p>The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to or interested in the above entitled proceedings; and was at and during all said times and still is the principal clerk of the printer and publisher of the San Jose Mercury News, a newspaper of general circulation printed and published daily in the City of San Jose, County of Santa Clara, State of California as determined by the court's decree dated June 27, 1952, Case Numbers 84096 and 84097, and that said San Jose Mercury News is and was at all times herein mentioned a newspaper of general circulation as that term is defined by Sections 6000; that at all times said newspaper has been established, printed and published in the said County and State at regular intervals for more than one year preceding the first publication of the notice herein mentioned. Said decree has not been revoked, vacated or set aside.</p> <p>I declare that the notice, of which the annexed is a true printed copy, has been published in each regular or entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:</p> <p>03/15/2024</p>	
<p>Dated at San Jose, California March 15, 2024</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p> Principal clerk of the printer and publisher of the San Jose Mercury News</p>	
<p>1</p> <p>489710-870-1217</p> <p>* A 0 0 0 0 0 6 7 1 6 5 3 3 *</p>	