

State of Kentucky

AMENDED CITIZEN PARTICIPATION PLAN

RELATING TO THE ADMINISTRATION OF
THE COMMUNITY PLANNING & DEVELOPMENT PROGRAMS
OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

PUBLIC DISPLAY AND COMMENT VERSION

July 8, 2021

STATE OF KENTUCKY
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 DEVELOPMENT (HUD)

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A. Introduction

1. Purpose

Pursuant to the citizen participation requirements of 24 CFR Section 91.115, the State of Kentucky (referred to as the “State”) sets forth the following amended Citizen Participation Plan (the “Plan”) as it relates to the administration of the Community Planning and Development programs funded by the U.S. Department of Housing and Urban Development (HUD). The Plan sets forth how the State will provide for and encourage all citizens to participate in the development, revision, amendment, adoption, and implementation of the documents covered by this Plan, which include the following:

- a) Citizen Participation Plan
- b) Consolidated Plan (Con Plan)
- c) Annual Action Plan (AAP)
- d) Consolidated Annual Performance and Evaluation Report (CAPER), and
- e) Section 108 Loan Guarantee Program
- f) Recovery Housing Program (RHP) Annual Plan

2. Lead Agency and Federal Programs Covered

Kentucky Housing Corporation (KHC) has the primary responsibility for the development of the Consolidated Plan with assistance provided by the Department of Local Government (DLG). The administration of the HUD CPD Programs is divided as follows:

- a) KHC manages the HOME Investment Partnerships (HOME) program, the Housing Opportunities for Persons with AIDS (HOPWA) program, the Emergency Solutions Grant (ESG) program and the national Housing Trust Fund (HTF).
- b) DLG manages the Community Development Block Grant (CDBG) program and the Recovery Housing Program (RHP) program.

These two entities will formulate appropriate goals and strategies to address the State’s affordable housing and community development needs.

3. Program Year

The Program Year for all documents covered by this Plan begins annually on July 1 and ends on June 30.

4. Effective Date

Subsequent to approval of this amended Citizen Participation Plan by the State of Kentucky and HUD, the Plan shall be effective until it is amended or otherwise replaced.

B. Encouragement of Citizen Participation

1. General

The State provides for and encourages citizens to participate in the revision, amendment, adoption and implementation of the Citizen Participation Plan, the Con Plan, the AAP, the CAPER, and the RHP Plan. The State encourages participation by low- and moderate-income persons, particularly those living in areas designated as revitalization areas or in slum and blighted areas and in areas where HUD funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods. With respect to the public participation initiatives included in this Plan, the State will take appropriate actions to encourage the participation of all its citizens, including minorities, non-English speaking persons, and people with disabilities, as described below.

2. Non-English Speakers

According to the 2013-2017 American Community Survey, 5.3% of the State's population 5 years of age and older speak Spanish. For the purposes of this Plan, the State will comply with the provisions of its Language Access Plan (dated January 1, 2012) in conducting outreach and encouraging citizen participation for all documents covered by this Plan.

3. People with Disabilities

To encourage the participation of people with disabilities, the State will include the following language in all public notices published in local newspapers:

To request a language or sign interpreter, please contact Erica Yan (eyan@kyhousing.org, (502) 564-7630, ext. 795 or (800) 633-8896) or #711 (KY Relay) at least three (3) business days prior to the meeting. All hearing locations are handicapped accessible.

The State will provide a copy of this Plan in a format accessible to persons with disabilities, upon request.

4. Public Hearings

Public hearings will be advertised at least fourteen (14) days in advance of the date of the hearing and will be widely publicized through the use of direct electronic mail notification, Web announcements, social media, and newspaper advertisements.

The State will carefully consider the time and location of the public hearing to ensure that it is convenient to potential and actual beneficiaries. Accommodation will be made for persons with disabilities as requested. The needs of non-English speaking citizens will be met through an interpreter in the case of a public hearing where a significant number of non-English speaking residents can be reasonably expected to participate. This accommodation will be made as requested and in accordance with the State's Language Access Plan.

5. Access to Draft Documents and Final Documents

The State will post draft copies and final copies of all documents covered by this Plan on its websites accessible at <http://www.kyhousing.org/resources/planning->

[documents/Pages/default.aspx](#). An announcement will be published in the two major newspapers that serve large parts of the Commonwealth, through direct electronic mail notification, social media, and Web announcements.

In addition, the State will provide up to five free copies of the Con Plan or AAP to residents and groups that request a copy.

6. Technical Assistance

KHC and DLG staff are available to assist local units of government, public and private organizations and other eligible entities that are interested in submitting a proposal to obtain funding through the HUD programs covered by this Plan. Applicants and award recipients are encouraged to request technical assistance, as needed.

7. Other Engagement Techniques

The Plan may be amended as the State continues to gain access to technology that improves the avenues of participation by its residents.

8. Contact Person

All communication regarding the Plan, the Con Plan, the AAP, the CAPER, comments, complaints, reasonable accommodation requests for people with disabilities, translation and interpretation services, or other elements shall be directed to the contact person identified in the applicable public notice/plan, and/or:

Ben Livingston
blivingston@kyhousing.org
502-237-6891, ext. 158

All communication regarding the RHP Plan and its associated comments, complaints, reasonable accommodation requests for people with disabilities, translation and interpretation services, or other elements shall be directed to the contact person identified in the applicable public notice/plan, and/or:

Mark Williams
MarkP.Williams@ky.gov
502-892-3485

C. Citizen Participation Plan

The State shall follow the following procedure to amend its Citizen Participation Plan, as needed.

1. Amendment Considerations

The State will amend the Plan, as necessary, to ensure adequate engagement and involvement of the public in making decisions related to its HUD programs. An amendment to the approved Citizen Participation Plan is considered substantial under the following circumstances:

- Decrease in the number or length of public comment periods, or change in the format of public comment
- Decrease in the number or content of public hearings
- Changes in identified populations or languages, or
- Elimination of any stakeholder groups.

Substantial amendments to the Plan may be required should a provision of the Plan be found by the State to conflict with HUD regulations, or when changes in applicable HUD regulations occur, or based on current HUD guidance. All other changes that do not meet the criteria defined above will be considered minor amendments and will not be subject to public comments.

2. Draft Amended Plan Review

The draft Amended Plan will be made available for public review for a 30-day period prior to approval by the State and may be done concurrently with the public review and comment process for the Con Plan or the Annual Action Plan.

3. Comments Received on Draft Amended Plan

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public review period.

4. Submission to HUD

A copy of the Amended Citizen Participation Plan, including a summary of all written comments, as well as the State's responses and proof of compliance with the minimum 30-day public review and comment period requirement, will be submitted to HUD. A summary of any comments or views not accepted and the reasons therefore shall be submitted to HUD as well.

D. Consolidated Plan (Con Plan)

1. Plan Development

The State will follow the process and procedures described below in the development of its Consolidated Plan (Con Plan).

a. Stakeholder Consultation

In the development of the Con Plan, the State encourages the participation of public and private entities, such as:

- Providers of affordable and assisted housing, including Community Development Corporations and Public Housing Authorities
- Providers of health services
- Social service agencies (including those focusing on housing, health, victim services, employment, or education needs of low-income individuals and families; of homeless individuals and families, including homeless veterans; youth; and/or of other persons with special needs; services to children, elderly persons, people with disabilities, persons with HIV/AIDS and their families)
- The State Continuum of Care
- Kentucky Department of Health for data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead-poisoned
- Local governments in non-entitlement areas of the State
- State-based and regionally based organizations that represent protected class members and organizations that enforce fair housing laws
- Business and civic leaders
- Commerce agencies/quasi-governmental organizations
- Broadband internet service providers and 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

A variety of mechanisms may be utilized to solicit input from these persons/service providers/agencies/entities. These include written letters, telephone or in-person interviews, mail surveys, internet-based feedback and surveys, focus groups, and/or consultation workshops.

2. Public Hearing

The State will present at the public hearing information regarding the amount of assistance the State expects to receive and the range of activities that may be undertaken. To be included will be estimates of the amount of funds that will benefit low- and moderate-income persons, any plans to minimize displacement of persons and to assist any persons

that are displaced. Both KHC and DLG anticipate also making online surveys available to the public and to agencies and local governments to gather needs information.

3. Potential Displacement of Persons

Although the State does not anticipate any residential displacement to occur in the foreseeable future, it is required to describe its plans to minimize the displacement of persons and to assist any persons displaced. When displacement is unavoidable on a temporary or permanent basis, the State will comply with the federal Uniform Relocation Act. Should displacement of residents be necessary as a result of the use of funds covered by this Plan, the State shall require compensation residents who are actually displaced in accordance with *HUD Handbook No. 1378, Tenant Assistance, Relocation and Real Property Acquisition*. This resource is accessible online at:

https://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/affordablehousing/training/web/relocation/displaced

4. Public Display and Comment Period

The draft Con Plan will be placed on display for a period of no less than 30 days to encourage public review and comment. The public notice shall include a brief summary and purpose of the Con Plan; the anticipated amounts of funding (including program income, if any), if any; the dates of the public display and comment period; the locations where copies of the draft Con Plan can be examined; how comments will be accepted; and, the anticipated submission date to HUD.

5. Comments Received on the Draft Consolidated Plan

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public display and comment period. The State will consider any comments or views of State residents received in writing, or orally at the public hearing, in preparing the final Con Plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final Con Plan for submission to HUD.

6. Submission to HUD

The Con Plan will be submitted to HUD no less than 45 days before the start of the State's five-year program cycle, unless otherwise instructed in writing by HUD.

7. Revisions to the Consolidated Plan

The State shall follow the following procedure to revise and amend its Con Plan, as needed.

There are two types of amendments that may occur with the Con Plan: minor amendments and substantial amendments. An amendment to the approved Con Plan is considered substantial under the following circumstances:

- Changes in allocation priorities
- Changes in the method of distribution of funds
- Carrying out an activity not previously described, and
- Changes in the purpose, scope, location or beneficiaries of an activity.

All other changes that do not meet the criteria defined above will be considered minor amendments, will be reviewed and approved by KHC's Executive Director and will not be subject to public comments. These changes will be fully documented and signed by the KHC's Executive Director before being submitted to HUD.

8. Public Display and Comment Period

The draft Substantial Amendment to the Con Plan will be placed on display for a period of no less than 30 days to encourage public review and comment. The public notice shall include a brief summary of the revisions, the dates of the public display and comment period, the locations where copies of the proposed Substantial Amendment to the Con Plan can be examined, how comments will be accepted, when the document will be approved by the State, and the anticipated submission date to HUD.

9. Comments Received on the Draft Substantial Amendment to the Consolidated Plan

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public display and comment period. The State will consider any comments or views of State residents received in writing, or orally at public hearings, in preparing the final Substantial Amendment to the Con Plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final Substantial Amendment to the Con Plan for submission to HUD.

10. Submission to HUD

The Substantial Amendment to the Con Plan will be submitted to HUD.

11. In the Event of a Disaster

In the event of a federally declared disaster where program funds covered by this Plan may be expended to carry out eligible activities to address the State's disaster response, the State's requirements under this Plan will be streamlined in accordance with any/all applicable HUD waivers, to include:

- a) A 7-day public display and comment period to amend the Con Plan
- b) A minimum of one public hearing shall be held to receive comments on the proposed amendment

E. Annual Action Plan (AAP)

The Annual Action Plan (AAP) is a component of the Consolidated Plan, and it describes the State's proposed use of available federal and other resources to address the priority needs and specific objectives in the Con Plan for each program year, the State's method for distributing funds, and, the geographic areas of the State to which it will direct assistance.

The State will follow the process and procedures described below in the development of its AAP.

1. Public Hearing

Unless otherwise instructed by HUD in writing, prior to the start of each Program Year that begins on July 1, the State will hold a public hearing to solicit residents' views on actions, activities and programs to be funded with federal program funds. During the public hearing, the State will address housing and community development needs, development of proposed activities, the amount of assistance the State expects to receive (including grant funds and program income), the range of activities that may be undertaken, including the estimated amount that will benefit low- and moderate-income residents, plans for minimizing the displacement of persons as a result of CDBG-funded activities, if any; plans to assist persons actually displaced, if any; a review of program performance, the dates of the public display and comment period; the locations where copies of the draft Con Plan can be examined; and, how comments will be accepted. The public hearing conducted for the Year 1 AAP may be conducted concurrently with the required public hearing for the Con Plan.

2. Public Display and Comment Period

The draft AAP will be placed on display for a period of no less than 30 days to encourage public review and comment. The public notice shall include a brief summary of the AAP, the anticipated amounts of funding (including program income, if any), the dates of the public display and comment period, the locations where copies of the draft AAP can be examined, how comments will be accepted, when the document will be approved by the State, and the anticipated submission date to HUD.

3. Comments Received on the Draft Annual Action Plan

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public display and comment period. The State will consider any comments or views of State residents received in writing, or orally at the public hearing, in preparing the final AAP. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final AAP for submission to HUD.

4. Submission to HUD

The AAP will be submitted to HUD no less than 45 days before the start of the State's annual program year, unless otherwise instructed by HUD in writing.

5. Revisions to the Annual Action Plan

The State shall follow the following procedure to revise and amend its AAP, as needed.

There are two types of amendments that may occur with the AAP: minor amendments and substantial amendments. An amendment to the approved AAP is considered substantial under the following circumstances:

- Changes in allocation priorities
- Changes in the method of distribution of funds
- Carrying out an activity not previously described, and
- Changes in the purpose, scope, location or beneficiaries of an activity.

All other changes that do not meet the criteria defined above will be considered minor amendments, will be reviewed and approved by KHC's Executive Director and will not be subject to public comments. These changes will be fully documented and signed by the KHC's Executive Director before being submitted to HUD.

6. Public Display and Comment Period

The draft Substantial Amendment to the AAP will be placed on display for a period of no less than 30 days to encourage public review and comment. The public notice shall include a brief summary of the revisions, the dates of the public display and comment period, the locations where copies of the proposed Substantial Amendment to the AAP can be examined, how comments will be accepted, when the document will be approved by the State, and the anticipated submission date to HUD.

7. Comments Received on the Draft Substantial Amendment to the AAP

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public display and comment period. The State will consider any comments or views of State residents received in writing, or orally at public hearings, in preparing the final Substantial Amendment to the AAP. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final Substantial Amendment to the AAP for submission to HUD.

8. Submission to HUD

The Substantial Amendment to the AAP will be submitted to HUD.

9. In the Event of a Disaster

In the event of a federally declared disaster where program funds covered by this Plan may be expended to carry out eligible activities to address the State's disaster response, the State's requirements under this Plan will be streamlined in accordance with any/all applicable HUD waivers, to include:

- a) A 7-day public display and comment period to amend the AAP
- b) A minimum of one public hearing shall be held to receive comments on the proposed amendment

F. Consolidated Annual Performance and Evaluation Report (CAPER)

At the end of each Program Year, the State is required to prepare a report that describes its progress in carrying out its strategic and annual plans, including a description of the resources made available, the investment of available resources, the geographic distribution and location of investments, the number of families and persons assisted (including the race and ethnicity of persons assisted), actions taken to affirmatively further fair housing, and other actions proposed in the strategic and annual plans. The State shall follow the following procedure in the drafting and adoption of its Consolidated Annual Performance and Evaluation Report (CAPER).

1. Report Considerations

The State will evaluate and report the accomplishments and expenditures of the previous program year for CDBG, HOME, ESG, HOPWA and HTF and draft the CAPER in accordance with HUD requirements.

2. Public Display and Comment Period

The draft CAPER will be placed on display for a period of no less than 15 days to encourage public review and comment. Public notice of the display and comment period will be published and shall include a brief summary and purpose of the CAPER, the dates of the public display and comment period, the locations where copies of the draft CAPER can be examined, how comments will be accepted, and the anticipated submission date to HUD.

3. Comments Received on the Draft CAPER

Written comments will be accepted by the Contact Person, or a designee, during the 15-day public display and comment period. The State will consider any comments or views of State residents received in writing in preparing the final CAPER. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final CAPER for submission to HUD.

4. Submission to HUD

The CAPER will be submitted to HUD within 90 days following the end of the State's annual Program Year.

G. Section 108 Loan Guarantee Program

1. Development of Section 108 Loan Guarantee Application

Applications for assistance filed by the State for Section 108 Loan Guarantee assistance authorized under HUD regulation 24 CFR Part 570, Subpart M, are subject to all provisions set forth within this Plan. Such applications for Section 108 assistance may be included as part of the consolidated planning process or may be undertaken separately anytime during the State's Program Year.

Before the State submits an application for Section 108 loan guarantee assistance, the State will make available to residents, public agencies and other interested parties information that includes the amount of assistance the State expects to be made available (including program income), the range of activities that may be undertaken, the estimated amount that will benefit persons of low- and moderate-income, and any activities likely to result in displacement.

2. Public Display and Comment Period

The State will publish its proposed Section 108 loan application for review and comment. The public notice shall include a summary describing the contents and purpose of the application and listing the locations where the entire application may be examined. An application for Section 108 Loan Guarantee funding shall be made available for public review for a 30-day period prior to consideration and submission to HUD and may be done concurrently with the public review and comment process for the Con Plan.

3. Comments Received on the Proposed Section 108 Application

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public display and comment period. The State will consider any comments or views of residents received in writing in preparing the final application. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final application for submission to HUD.

4. Submission to HUD

The Section 108 Loan Application will be submitted to HUD.

H. Recovery Housing Program (RHP) Action Plan

The Recovery Housing Program (RHP) Action Plan describes the State's proposed use of available federal and other resources to address the priority needs and specific objectives to provide stable, transitional housing for individuals in recovery from a substance use disorder. The funding covers a period of not more than two years or until the individual secures permanent housing, whichever is earlier. RHP was authorized under Section 8071 of the Support for Patients and Communities (SUPPORT) Act.

The State will follow the process and procedures described below in the development of the RHP Plan.

1. Public Hearing

As instructed by HUD in writing, the State will hold a public hearing to solicit residents' views on actions, activities, and programs to be funded with federal program funds. During the public hearing, the State will address housing and community development needs, development of proposed activities, the amount of assistance the State expects to receive (including grant funds and program income), the range of activities that may be undertaken, including the estimated amount that will benefit low- and moderate-income residents, a review of program performance, the dates of the public display and comment period; the locations where copies of the draft RHP Plan can be examined; and, how comments will be accepted.

2. Public Display and Comment Period

The draft RHP Plan will be placed on display for a period of no less than 30 days, or no less than a time period specified by HUD in writing, to encourage public review and comment. The public notice shall include a brief summary of the RHP Plan, the anticipated amounts of funding (including program income, if any), the dates of the public display and comment period, the locations where copies of the draft RHP Plan can be examined, how comments will be accepted, when the document will be approved by the State, and the anticipated submission date to HUD.

3. Comments Received on the Draft RHP Action Plan

Written comments will be accepted by the Contact Person, or a designee, during the 30-day public display and comment period. The State will consider any comments or views of State residents received in writing, or orally at the public hearing, in preparing the final RHP Plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons why, will be attached to the final RHP Plan for submission to HUD.

4. Submission to HUD

The RHP Plan will be submitted to HUD.

I. Complaints

Residents may register complaints regarding any aspect of the CDBG, HOME, ESG, HOPWA, HTF, or RHP plans by contacting the Contact Person, or a designee. All written complaints received will be addressed in writing within 15 working days.

Residents wishing to object to HUD approval of the final Con Plan may send written objections to the HUD Field Office at US Department of HUD:

U.S. Department of Housing and Urban Development
601 West Broadway, 1st Floor
Louisville, Kentucky 40202

Objections should be made within 30 days after the State has submitted any of the documents covered by this Plan to HUD. Any objections made can only be submitted to HUD for the following reasons:

- The State's description of needs and objectives is plainly inconsistent with available facts and data
- The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the State
- The application does not comply with the requirements of the CDBG, HOME, ESG, HOPWA, HTF, or RHP programs or other applicable laws
- The application proposed activities which are otherwise ineligible under the program regulations.

Objections shall include both an identification of requirements not met and available facts and data.