

Legislation Text

File #: BILL NO. 16-145, **Version:** 1

AN ORDINANCE APPROVING THE AMENDED LEE'S SUMMIT CITIZEN PARTICIPATION PLAN TO ESTABLISH POLICIES AND PROCEDURES TO ENCOURAGE PUBLIC PARTICIPATION IN THE PROCESS OF DEVELOPING THE HUD REQUIRED ASSESSMENT OF FAIR HOUSING IN COMPLIANCE WITH THE HUD FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING.

Issue/Request:

Amending the Lee's Summit Citizen Participation Plan to establish policies and procedures to encourage public participation in the process of developing the HUD required Assessment of Fair Housing.

Key Issues:

HUD Final Rule on Affirmatively Furthering Fair Housing (AFFH) requires HUD assistance recipients to conduct an Assessment of Fair Housing (AFH) every five years as a condition for accepting their Consolidated Plans. To conduct this required AFH, the City is also required to amend our current Citizen Participation Plan to establish policies and procedures to encourage public participation during the process of AFH.

Proposed City Council Motion:

FIRST MOTION: AN ORDINANCE APPROVING THE AMENDED LEE'S SUMMIT CITIZEN PARTICIPATION PLAN TO ESTABLISH POLICIES AND PROCEDURES TO ENCOURAGE PUBLIC PARTICIPATION IN THE PROCESS OF DEVELOPING THE HUD REQUIRED ASSESSMENT OF FAIR HOUSING IN COMPLIANCE WITH THE HUD FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING. I MOVE FOR SECOND READING.

SECOND MOTION: AN ORDINANCE APPROVING THE AMENDED LEE'S SUMMIT CITIZEN PARTICIPATION PLAN TO ESTABLISH POLICIES AND PROCEDURES TO ENCOURAGE PUBLIC PARTICIPATION IN THE PROCESS OF DEVELOPING THE HUD REQUIRED ASSESSMENT OF FAIR HOUSING IN COMPLIANCE WITH THE HUD FINAL RULE ON AFFIRMATIVELY FURTHERING FAIR HOUSING. I MOVE FOR ADOPTION.

Background:

Lee's Summit was designated as an Entitlement Community under the Community Development Block Grant (CDBG) program by the U.S. Department of Housing and Urban Development. Grant funds must be used to benefit low-to-moderate income persons or to address slum or blight in the community.

HUD regulation 24 CFR Part 91 requires that all CDBG entitlement cities and states prepare and submit to HUD a three-year or a five-year consolidated plan every three or five years respectively, as well as an annual action plan every year, as a condition for receiving HUD grant. A Consolidated Plan is a strategic plan of the community or state that identifies priority needs of the community or state and lays out strategies, priorities and resources to address those needs. An Action Plan is an annual plan that specifies how the community or the state plans to implement the strategies and priorities established in its Consolidated Plan and how to distribute HUD grant funds among the supported programs and projects for the upcoming program year. 24

CFR 91.105 specifically establishes a mandate that all HUD grant recipient communities and states submit a Citizen Participation Plan as a condition for HUD to accept their Consolidated Plans. The purpose of the Citizen Participation Plan is for local communities and states formally establish their policies, procedures and action steps to encourage citizen participation as the community or the state develops its Consolidated Plan, Annual Action Plan, as well as Citizen Participation Plan. The Citizen Participation Plan is also required to establish a threshold for determination of any proposed changes to these plans as either being a "substantial change" or a "non-substantial change" and for substantial changes, the Citizen Participation Plan also includes standard procedures for approval of these changes. 24 CFR 91 did not include any requirement for a Citizen Participation Plan to address the issue of Affirmatively Furthering Fair Housing until 2015 when HUD published a Final Rule.

On July 16, 2015, HUD published a Final Rule at 24 CFR Part 5 regarding HUD program grantees' obligation to affirmatively furthering fair housing. The new rule sets forth a meaningful and transparent process to identify and understand local and regional fair housing issues and to set goals for improving fair housing choice and access to opportunity. The rule requires grantees to conduct an Assessment of Fair Housing as a part of the required Consolidated Plan submission. Under the new rule, the Citizen Participation Plan requirements at 24 CFR 91.105 for local governments have been revised to accommodate the new AFH. To comply with this regulation change, the City's Citizen Participation Plan needs to be amended.

The City Council held a public hearing on June 23, 2016 to review the proposed amendment and to seek public input. A public comment period was provided by the City between June 22 and July 11 for public review and comment.

Impact/Analysis:

This amendment will ensure that the City is in compliance with the federal regulations and that the process of conducting the AFH is transparent.

Timeline:

Start: ____

Finish: ____

Other Information/Unique Characteristics:

The Final Rule allows grantees to conduct the AFH either by participating in a regional assessment or on their own. Regardless which one the grantee chooses, the grantee is required to analyze data specific to the community as well as data on a regional scale. AFH requires communities to analyze HUD provided data supplemented with local data and local knowledge to identify patterns of concentration of poverty or segregation by race, income, etc. as well as lack of access to opportunity. The grantee is also required to identify contributing factors that have resulted in these fair housing issues and put in place policies and strategies to address these contributing factors. HUD will monitor implementation of these policies and strategies through our CDBG planning and reporting.

Presenter: [Enter Presenter Here]

Recommendation: Staff recommends adoption of the Amendment to the Lee's Summit Citizen Participation Plan

Committee Recommendation: [Enter Committee Recommendation text Here]