

First Public Hearing Template Instructions and Guidance

The Federal Housing and Community Development Act “encourages citizen participation, with particular emphasis on participation by persons of LMI,” both in the preparation of CDBG applications and throughout the implementation of local CDBG projects. Specifically, the Act requires public hearings “to obtain the view of citizens on community development and housing needs” and on “proposed activities.” Congress has mandated that the hearings “be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodation for the handicapped”. Therefore, public hearings should be held at a time and place convenient to the general public, with accommodations for persons with disabilities. For hearings where a significant number of non-English speaking persons can reasonably be expected to participate, the notice must also be in the appropriate language(s) and provision must be made for interpreters at the public hearing. Notice of public hearings should also be directed to persons of LMI or those persons who will benefit from or be affected by CDBG activities and/or groups representing LMI persons.

Prior to submitting an application, applicants must meet the citizen participation requirements at 24 CFR 570.486 and New York State’s Citizen Participation Plan, as amended which require applicants to follow a citizen participation plan providing for a minimum of one public hearing (one in each jurisdiction of a joint application) prior to the submission of an application for funding, public availability of the application for inspection at the municipal office(s), and one public hearing, if awarded, to be held during the administration of the grant to solicit comments on the effectiveness of the program’s administration. Applicants must comply with the following citizen participation requirements:

- Provide for and encourage citizen participation, particularly by LMI persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
- Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the proposed and actual use of CDBG funds;
- Furnish citizens with information, including, but not limited to:
 - The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated Program Income);
 - A listing of the activities to be undertaken with CDBG funds;
 - The estimated amount of CDBG funds proposed for activities that benefit LMI National Objective;
 - The proposed CDBG activities likely to result in displacement and the municipality’s anti-displacement and relocation plan required under 24CFR 570.488;
 - The amount of funds awarded;
 - The types of activities funded; and
 - Progress towards program goals and objectives;
- Provide technical assistance to group’s representative of persons of LMI that request assistance in developing proposals in accordance with the procedures developed by the State. However, such assistance need not include providing funds to such groups;
- **Hold a minimum of two public hearings**, one at the time of application and one during the grant administration process, for the purpose of obtaining citizens’ views and responding to proposals and questions. The first public hearing **must be held by a quorum of the Legislative Body of the Applicant** prior to the preparation and submittal of an application and the second during the administration of an awarded grant to provide input on the effectiveness of the administration of the grant. The public hearing should provide citizens with reasonable advance notice of, and an opportunity to comment on, proposed activities in an application to the State and grant administration activities; and
- Public notice must be provided before public hearings are held. Notice of each public hearing must be published at least once in a newspaper of general circulation in the community at least seven (7) days prior to the hearing. **Note that the date of publication is day "zero"**. The hearing notice

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must be conspicuously posted in one or more public locations at least seventy-two (72) hours prior to the actual hearing. This may also be accomplished by posting to the municipal website. At a minimum, public notices should contain the time and place of the hearing, offer accommodations for persons with disabilities and include an invitation to submit written comments and where to direct such comments. Additionally, public hearings held at specific times in the process require specific information in the public notice. Public notices posted at the time of application should contain information about the amount of CDBG funds available and the types of activities eligible for CDBG funding and information about the proposed activities and the amount of funds being requested. A template for the first public hearing notice is on the OCR website.

- Public notices for public hearings held during grant administration should contain information on the amount of CDBG funds awarded, the type(s) of activity(ies) funded, and the progress towards beneficiary goals and program objectives.
- Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the State and, for grants already made, activities, which are proposed to be added, deleted or substantially changed from the application submitted to the State.
- Hearing must be held in the same calendar year in which funds are being applied for.
- Recent legislation requires documents that are going to be discussed at open meetings to be made available on request and to be posted on the government's website at least 24 hours prior to the meeting, giving the public access to these important documents in advance.
- Municipalities are strongly encouraged to accept comments from the public at least 48 hours after the date of the hearing.

In all cases, the local government or legislative body of the applicant must conduct the required public hearings, even if the local government is considering applying on behalf of a Subrecipient, such as a local housing authority, human resource development council, or a county water and sewer district. The hearing may not be conducted by a department or arm of the local government. Having the local government conduct the hearings, rather than delegating the task to a potential recipient of the CDBG funds, provides the most objective forum for considering alternative community needs (and potentially competing proposals for CDBG projects) and encourages a frank discussion regarding any proposed community development projects. All hearings must be conducted in accordance with the New York State Open Meetings Law.

The following list **MUST** be submitted with all applications as documentation that the Citizen Participation requirements have been fully met:

- Affidavit of Publication as provided by the newspaper
- A full, clearly legible copy of the legal notice as published
- Copy of minutes from hearing
- Copy of sign-in/attendance sheet
- Clear, legible documentation of 72-hour attestation
 - Screen shot from website posting, or
 - Digital photo with date stamp, or
 - Some other documentation that clearly demonstrates that the notice was posted conspicuously at least 72 hours prior to the actual hearing
 - Written attestation of above

Applications that fail to provide all required documentation at the time of submission may be deemed ineligible.