Public Participation Toolkit

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Overview

This Public Participation Toolkit assists New York State's Community Development Block Grant (CDBG) applicants and grant recipients in complying with Section 104(a)(2) of the Housing and Community Development Act, federal regulations at 24 CFR 570.486, NYS Open Meetings Law, and the NYS Public Participation Plan.

Public participation is necessary to ensure CDBG funds meet local community needs – especially for low- and moderate-income (LMI) residents – by fostering transparency, accountability, and project success. It is a mandated process that allows residents to participate in the planning, implementation and assessment of local CDBG programs. At a minimum public participation includes:

1. Public Hearings
2. Comment Periods
3. Access to Information
4. Targeted Outreach

These requirements ensure compliance with regulations and are essential for accessing CDBG funding.

⚠ Common Mistakes

Applications can be rejected, and Recipients may need to re-hold public hearings if regulations aren't met. The most common mistakes are:

- Failure to post public hearing notices far enough in advance
- Failure to include all required information in hearing notices
- Failure to make information and records related to the applicant's proposed and actual use of CDBG funds available to the public

By following the guidance and using the templates provided in this document, applicants and Recipients can avoid these mistakes.

Public Hearing Requirements

Per 24 CFR 570.486, a quorum of the unit of local government's legislative body must hold at least two public hearings, each at a different stage of the program. One hearing must be held before submitting an application, and another is required to report on the results and accomplishments of an awarded CDBG grant. If a grant recipient proposes a substantial change to an existing CDBG award, another public hearing must be held. A substantial change means a change made to a CDBG project's purpose, scope, location, or beneficiaries.

Units of local government (UGLG) are the eligible applicants and recipients for CDBG funds and are responsible for conducting hearings regardless of the planned administrative structure of the grant.

Public hearings must be conducted by the full legislative body of the UGLG, not a department or arm of the local government and not by a subrecipient. *If submitting a joint application, all UGLGs must comply with this and all requirements.*

Hearing Requirements			
Hearing	**Purpose**	**Timing**	**Required content**
First Hearing	Gathering resident input on community development, housing needs and proposed CDBG activities.	Within 12 months of the CDBG application date.	• Presentation of items in the hearing notice • Discussion of community development and housing needs • Potential and/or proposed CDBG activities in an application to OCR • Commitment to affirmatively further fair housing
Second Hearing	Soliciting resident input on the effectiveness of the administration of an awarded grant.	Once 75% of CDBG funds have been expended. For community planning grants only – Once all funds have been expended and the plan is ready for review.	• Presentation of items in the hearing notice • Presentation on the development of proposed activities • Review of program performance
Third Hearing	Notify & solicit comments from residents regarding a proposed change in the purpose, scope, location or beneficiaries of an existing CDBG award.	Prior to submitting a proposed change to OCR for approval.	• Presentation of items in the hearing notice • Presentation on the proposed changes • Review of program performance to date

Hearing Notice Requirements

The UGLG must provide residents with at least one week's notice regarding hearings and the opportunity to comment on potential or proposed CDBG activities. Full public notice must be provided by:

- Publishing a legal notice in a local newspaper of general circulation
- Displaying copies in conspicuous public places such as libraries and government offices
- Posting on the UGLG's website, when possible

UGLGs must submit evidence of compliance, including affidavit of publication, photos of physical postings with the date of photo taken and dated of screenshots of website postings.

Notices must state that accommodations for disabled or non-English speaking residents will be made upon advance request. 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.

Hearing Notice Timing Requirements

Units of local government must provide a minimum seven (7) day period between the publication of the hearing notice and the hearing itself, not counting the date of the hearing.

SAMPLE PUBLIC HEARING POSTING TIMELINE

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		1	2 Notice published in newspaper at least 7 days in advance, not counting the day of hearing	3	4/5
6	7 Hearing notices posted in public locations at least 72 hours in advance	8	9 Applications and reference documents posted at least 24 hours in advance	10 Hearing at 6pm	11/12
13	14 Written comments accepted for at least 48 hours after hearing	15	16	17	18/19

⚠ Common Mistakes

Public notices must be publicly available for 7 total days, not including the date of the hearing. If the seven days include the day of the hearing, the hearing is invalid and the CDBG application will be deemed ineligible and/or require the hearing to be repeated with proper notice.

Notice Content

To ensure compliance, please use the provided OCR Public Hearing Notice template provided at the end of this document. If you choose not to use or to edit the template, verify that the public notice includes the following information or it **may be considered invalid**:

- Hearing Details: The date, time and location.
- Purpose: A brief description (e.g., “hearing on proposed application for CDBG funding” or “hearing on accomplishments and results of the CDBG funded project”).
- Funding Details: The current CDBG Program Year, the estimated amount of NYS CDBG funds available for the current program year, and eligible CDBG activities.
- Project Amount: The estimated amount of CDBG funds to be applied for or awarded.
- Contact Info: Address, phone number, and times for submitting comments or requesting information.
- Virtual Access: If the hearing will be streamed live, include the meeting link.
- How to request accommodations for disabled or non-English speaking residents.
- How to access grant materials: Include information and an address for how residents can access current or future grant applications and materials.

⚠ Common Mistakes

If any of the items listed above are not included in the notice, the hearing will be considered invalid. To avoid this, OCR strongly recommends using the templates provided at the end of this document AND verbally covering all points during the public hearing.

Applicants and recipients must provide technical assistance to any groups that are representative of low- and moderate- income persons that request assistance with developing proposals. Such assistance need not include the provision of funds.

Conducting the Public Hearing

Information that should be made available at public hearings:

- Goals and objectives of the CDBG program
- The total amount of CDBG funds available
- Community development and housing needs
- Proposed activities for project and amount to be requested for project
- The proposed amount of funds to be used to benefit low-and moderate-income people
- Commitment to affirmatively further fair housing
- Whether any persons will be displaced because of the proposed activities

Hearing Minutes

Minutes from the public hearing discussion must demonstrate hearing was conducted before a full quorum of the legislative body and that the items listed above were discussed. Minutes must be submitted to OCR and retained in local files.

Public Comment Period

A CDBG comment period is a mandatory, legally required timeframe in which the public can review and submit feedback on funding proposals and program performance. During the CDBG public hearings, oral comments must be accepted and any submitted written comments must be read into the record. UGLGs must accept comments from the public at least 48 hours after the date of the hearing and must respond within 15 business days, where practicable.

Complaints and Disputes

Occasionally UGLGs receive complaints regarding their projects and activities. CDBG Recipients must have and follow a Dispute Resolution Policy applicable to all CDBG stakeholders and beneficiaries.

Required Public Hearing Documentation

As part of the public participation process, there are four required documents that must be submitted to OCR to demonstrate compliance with 24 CFR 570.486:

Required document	Description
Hearing notice	Notice must include all information listed in the Notice Content section above.
Affidavit of publication	An affidavit is a notarized, written statement from a newspaper, confirming that the legal notice was published and demonstrates that the UGLG provided a minimum seven (7) days between the publication of the hearing notice and the hearing itself.
Hearing minutes	Public hearing minutes must demonstrate compliance by showing: 1) a quorum of the UGLG's legislative body was present, and 2) CDBG funding was discussed.
Evidence of public posting 72 before hearing	Screenshot of website or digital photo with date stamp.

Recording Keeping

All records associated with the CDBG program, including public participation efforts, must be maintained in the Recipient's CDBG files. Program documents must be accessible for public inspection and copying during regular business hours at the local government's office, upon written or oral requests.

Both completed and draft applications for CDBG funding must be available for public review and comment at and after public hearings. If applications are not available at the time of the public hearing, residents must be informed about the proposed activities and where to find the materials in the public notice.

Access to Information and Records

Providing access to CDBG files is mandated by HUD's citizen participation regulations. UGLG's must provide residents, public agencies, and other interested parties with reasonable and timely access to records related to the use of CDBG funds, complying with NYS Open Meetings Law and 24 CFR 570.490. Records must be available during normal business hours and should include:

- Minutes from public hearings pertaining to the CDBG program
- Recordings of public hearings
- Feedback and complaints regarding the planned or actual implementation of the program along with responses
- A copy of the CDBG application and all associated documents pertaining to the administration of a CDBG project.
- Completed Annual Performance Reports (APRs) submitted to OCR.

Additional information on CDBG record retention requirements can be found in the NYS CDBG Grant Administration Manual found here: https://hcr.ny.gov/community-development-block-grant

Templates

First Public Hearing Legal Notice Template

THE HEARING NOTICE MUST INCLUDE THE UNDERLINED ITEMS

LEGAL NOTICE
Notice of Public Hearing
[Name of unit of local government (UGLG)]

[Name of UGLG] will hold a public hearing on [*Date and Time of Public Hearing]* at [*Location of Hearing]* for the purpose of hearing public comments on community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the [*Current Year]* program year. The NYS CDBG program is administered by the New York State Homes and Community Renewal and will make available to eligible local governments approximately $45 million in funding for the current program year for housing, public infrastructure, public facilities, economic development, imminent threat, and community planning, with the principal purpose of benefiting low- and moderate-income persons. *[Name of UGLG]* is applying for [*total amount of CDBG funding request]t* in CDBG funds to [*description of the proposed activities]*. The hearing will provide CDBG program information and accept public input on proposed grant applications and alternative project ideas.

The [*Location of Hearing] [*is/*is not]* accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, contact [*list contact name]* at [*list contact information]*, at least three days in advance of the hearing. Written comments may also be submitted to [*list contact name and contact information]* until [*last date to receive comments (at least 48 hours after hearing date and time]).*

Applications and related CDBG materials will be made available at [location]. The hearing will also be broadcast via [platform name (i.e.., zoom, Webex, etc.)] and residents can join here [link to join].

Second Public Hearing Legal Notice Template

THE HEARING NOTICE MUST INCLUDE THE UNDERLINED ITEMS

LEGAL NOTICE
Notice of Public Hearing
Name of unit of local government (UGLG)]

[Name of UGLG] will hold a public hearing on [*Date and Time of Public Hearing]* at [*Location of Hearing]* for the purpose of hearing public comments on the current NYS Community Development Block Grant (CDBG) project: [*Provide CDBG project name and CDBG award amount]*.

The CDBG program is administered by the New York State Homes and Community Renewal and will make available to eligible local governments approximately $45 million in funding for the current program year for housing, public infrastructure, public facilities, economic development, imminent threat, and community planning, with the principal purpose of benefiting low and moderate income persons.

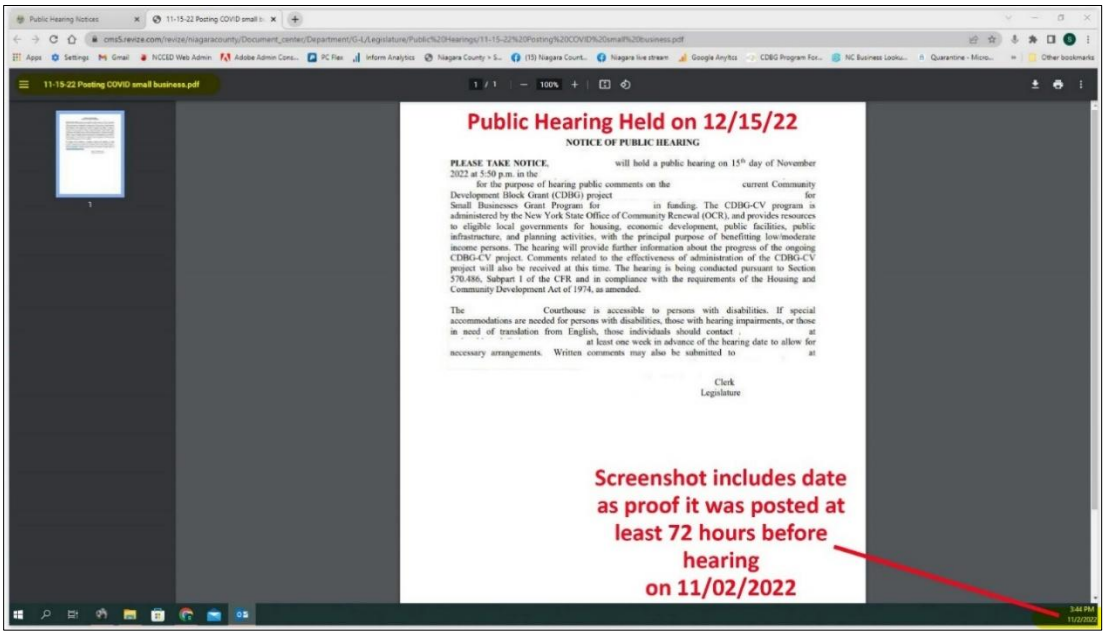
The hearing will provide information on the progress of the CDBG project. Comments on the administration and effectiveness of the CDBG project will be received.

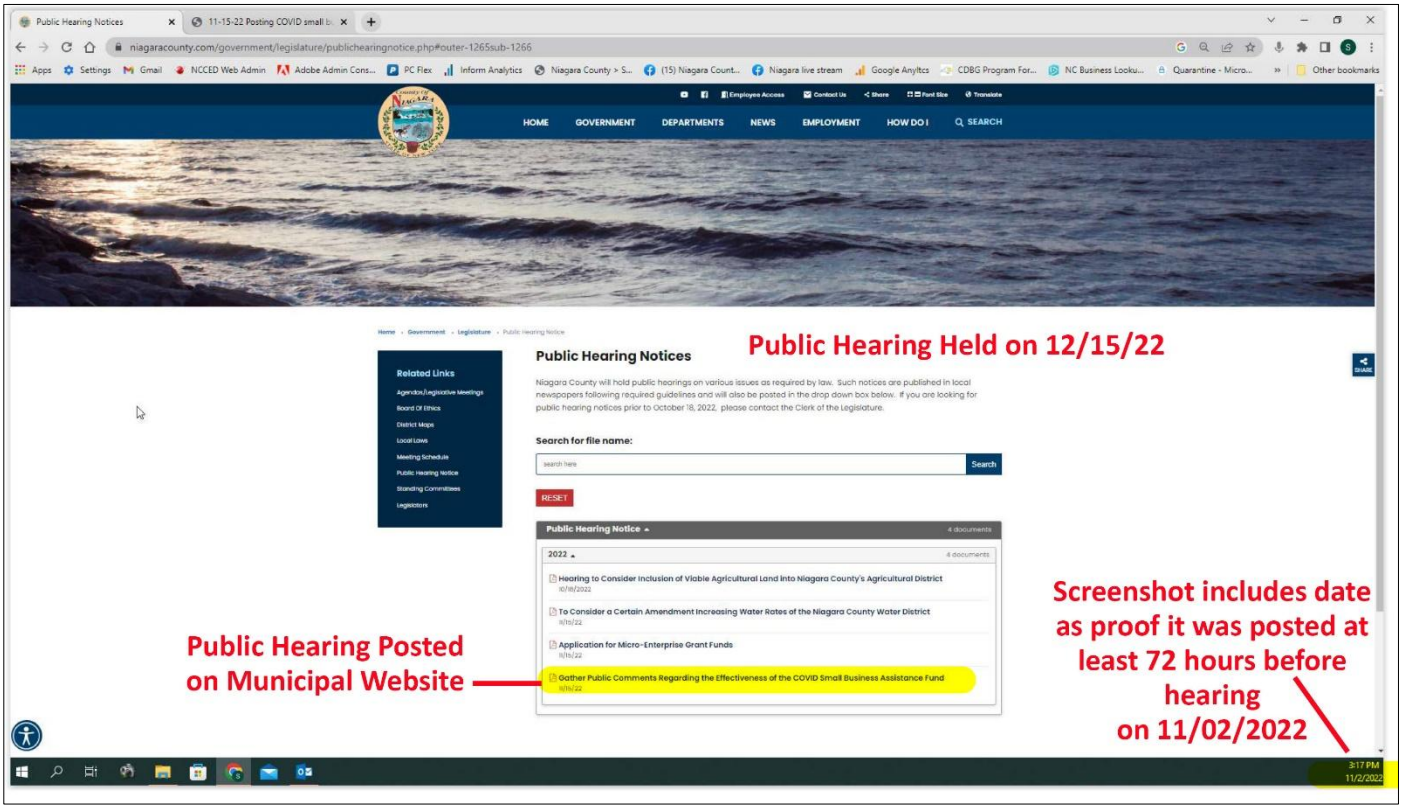
The [*Location of Hearing] [*is/*is not]* accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, contact [*list contact name]* at [*list contact information]*, at least three days in advance of the hearing date. Written comments may also be submitted to [*list contact name and contact information]* until [*last date to receive comments (at least 48 hours after hearing date and time]).*

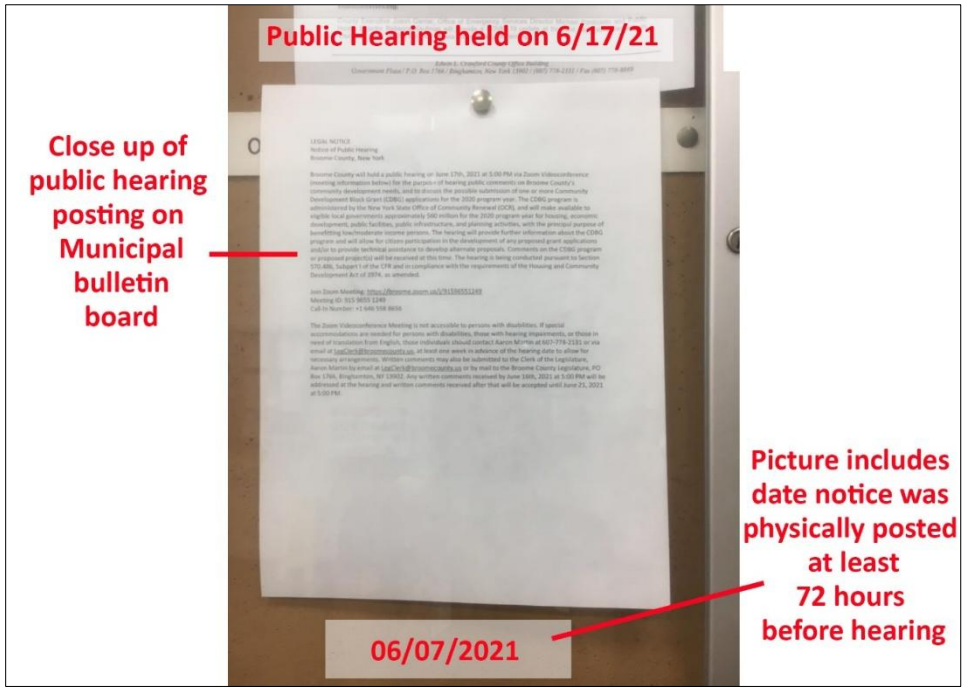
The application and other materials related to CDBG funds will be made available at [location]. The hearing will also be broadcast via [platform name (i.e.., zoom, Webex, etc.)] and residents can join here [link to join].

Sample documentation

Evidence of 72-hour posting – website





Evidence of 72-hour posting – physical

The following two photos were submitted together. The first photo shows the physical location and proof of date. The second provides a close-up view of the hearing notice.