Citizen Participation Requirements for UGLG’s (Units of Local Governments) with sample public hearing verbiage.

**Citizen Participation Requirements for Local Governments**

South Dakota Community Development Block Grant Program

**GOVERNOR’S OFFICE OF ECONOMIC DEVELOPMENT**

Citizen Participation Requirements

Local governments must provide reasonable opportunities for citizen participation, hearings, and access to information with respect to local community development programs. Certain citizen participation requirements are required to be met prior to application submission while other requirements apply throughout the course of the project. Grantees are expected to take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non‐English speaking persons, as well as persons with disabilities.

Citizen Participation

All local governments receiving CDBG funds from the State of South Dakota Governor’s Office of Economic Development (GOED) must comply with the regulations at [24 CFR 570.486(a)](https://www.ecfr.gov/current/title-24/part-570/section-570.486#p-570.486(a)). Each Grantee must meet the following requirements:

[GOED Citizen](https://static1.squarespace.com/static/62043c6fe162bf3ffdc5f475/t/63c1c7315f137c0c3eb5ae4e/1673643825933/Final+Citizen+Participation+Plan+-+COVID.pdf)

[Participation Plan](https://static1.squarespace.com/static/62043c6fe162bf3ffdc5f475/t/63c1c7315f137c0c3eb5ae4e/1673643825933/Final+Citizen+Participation+Plan+-+COVID.pdf)

1. Solicit input on local community development needs and proposed activities particularly from low- and moderate-income persons (LMI) who reside within the local government in which the grant funds are proposed to be used,
2. Promote public comment on the proposed application, the status, and outcomes of housing and community development activities via a minimum of two public hearings (more if any substantial change is proposed),
3. Provide special technical assistance to groups representative of LMI persons,
4. Identify the needs of non-English speaking residents and make reasonable accommodation for persons with disabilities,
5. Provide for a timely appropriate and effective written answer to complaints and grievances, and
6. Provide citizens with reasonable and timely access to information, including the amount of funds available, the range of eligible activities, the activities being applied for, and amount of funds requested.

Required Public Participation

No application will be reviewed if the Grantee has not complied with the procedures established and outlined below for public hearing notices and meetings. Two (2) public hearings are required at separate phases of the project. (Additional hearings may be required if substantial changes or amendments occur.)

[24 CFR 570.486](https://www.ecfr.gov/cgi-bin/text-idx?SID=657995eb56ec759a9441b65ce28b3ac3&mc=true&node=se24.3.570_1486&rgn=div8)

1. Notice of public hearings must be published in a newspaper of general circulation in the local government. *Appendix A: Sample Required Public Hearing Advertisements* has been provided to ensure compliance with all requirements.
2. The public notice should be posted in other public areas within the local government. Such other places may include:
   1. Weekly or other local papers (not including the primary notice in a daily newspaper of general circulation),
   2. Use of social media accounts such as Facebook or Twitter,
   3. Website calendars that announce public events (may be the official municipal website), and/or
   4. Local nonprofit websites such as Main Street organizations.
3. The notice must be published no less than 7 days prior to the date of the public hearing. When counting the 7-day period, you may NOT count the day the advertisement runs.
4. Notice of the Public Hearing must include a contact person’s name and telephone number. Citizens should be advised to contact that individual, so the Grantee can provide accommodations for any persons with disabilities and provide assistance if a significant number of non-English speaking persons are expected. See below for requirements regarding Limited English Proficiency (LEP).
5. Hearings must be scheduled during a time when citizens are generally available to attend.
6. Grantees planning on earning Program Income (PI) or having PI on hand must provide adequate information about the use of PI at this hearing.
7. Notice of the Public Hearing must include the following information:
   1. The amount of CDBG funds available,
   2. The range of activities that may be undertaken with the CDBG funds,
   3. Any proposed CDBG activities likely to result in displacement and the unit of general local government’s anti-displacement and relocation plans required under [§ 570.488](https://www.ecfr.gov/current/title-24/section-570.488).
   4. Name, telephone number, and email of the Grantee contact person.

In addition to the required notices, applicants must also make every effort to inform those who might not be reached through the newspaper notice that the public hearing is to be held. Such efforts might include the distribution of leaflets, posting notices on bulletin boards at town hall, notices to local organizations, clubs, and churches, and/or personal contact. These efforts should especially be conducted in the neighborhoods affected by the proposed project.

NOTE: If a hearing is canceled, the public noticing process must be repeated. It is recommended that all public notices include potential rescheduling dates to avoid this situation.

First Public Meeting Content

The first public hearing is an opportunity to educate and inform local residents about the project, to provide a forum for citizen input, and to obtain any community development needs. This hearing must be held prior to submission of the application to GOED. The following information should be made available at public hearings:

1. Goals and objectives of the CDBG program, including the definition of LMI,
2. Amount of CDBG funds available (including maximum grant amounts and categories of funding),
3. Discussion of the community development and housing needs of the applicant,
4. Proposed activities for the project and the amount to be requested; estimated beneficiaries (such as approximate number of homes to be rehabbed, dwelling units connected to infrastructure, persons served), qualification requirements, how the program is managed, the role of Grantee and consultant, if any, type of improvements or construction proposed, timeframe to complete the project,
5. Proposed amount of funds to be used to benefit LMI people,
6. Amount and source of local funds to be expended on the project, and
7. Adoption or update of a Residential Anti-displacement and Relocation Assistance Plan, as necessary per [24 CFR 42.325](https://www.ecfr.gov/cgi-bin/text-idx?SID=2983180f116ee1e4c2c6a7dec4889be6&mc=true&node=se24.1.42_1325&rgn=div8).

[Sample Residential Anti-displacement and Relocation Assistance Plan](https://www.hud.gov/sites/documents/1378X34CPDH.PDF)

The following documents must be submitted with the grant application to GOED:

* Publishers’ affidavit,
* Tear sheet (the date that the notice was published must be clear on any submitted copy,
* Final approved hearing minutes,
* Sign-in sheet(s) of hearing attendees.

The Grantee should retain the same information for the second or any additional hearings held prior to project completion for monitoring by GOED. The final draft of the application must be made available to the public.

Second Public Meeting Content

The second public hearing is for the Grantee to review the results of the project with citizens and to take comments about the local government’s performance. The public hearing must be held prior to the close out of the grant, but no earlier than the projected mid-point, to provide the status of the program. The following information should be made available at public hearings:

1. Project progress/status of completion and expected timeframe to completion.
2. Results to date and projected totals, such as the number of beneficiaries assisted, housing units completed, the portion of the project in service, or persons served.
3. Funds expended, balance of funds available, and budget expectations to completion.

Additional Public Hearings Content

If the Grantee is required or chooses to hold additional public hearings, they must provide citizens with reasonable advance notice of, and opportunity to comment on, proposed changes to activities in an application to the state as described in the required notices for the first and second hearing. Grantees that propose substantial changes are required to hold an additional hearing. Substantially changed means changes to:

* Purpose,
* Scope, adding or removing an activity,
* Location,
* Increase or Decrease funding by 25% or more, or
* Beneficiaries.

The content of the additional public hearing would encompass all the same elements of the first hearing with two changes. 1) Replace item #3 Community development and housing needs of the applicant with “3. Explanation for the change(s).” 2) All other content items from the original hearing should be revisited and discussed in comparison to the proposed revision or amendment to the project.

Comments

Grantees should collect public comments received at any time during the decision-making process. All formal comments are considered a part of the public record. Comments may be in the form of letter, email, text, website form, telephone call, or public hearing transcript. Grantees should follow the basic process below and document all comments and responses for monitoring by GOED.

* Prepare a summary of the comments and key issues raised including the number and type of comments received.
* Acknowledge each comment within 15 working days. At this stage, the objective is to thank participants in the process and let them know their comment was received and is being considered.
* Incorporate relevant public comments into the decision-making process.

Technical Assistance

The State of South Dakota, cities, towns, and counties will provide technical assistance to groups representative of persons of low- and moderate-income who request assistance in developing CDBG proposals. The level and type of assistance appropriate will be determined by each governing body based on its ability to provide or arrange for such assistance, the cost of providing such assistance, and other relevant factors.

Complaints and Grievances

Occasionally Grantees receive complaints regarding their projects and activities. In order to respond, Grantees must develop procedures for responding to complaints. The State of South Dakota, cities, towns, and counties will respond to written complaints and grievances concerning their CDBG activities in writing and promptly. When practicable, such written responses shall be made within fifteen (15) working days.

Limited English Proficiency

Federally assisted Grantees are required to make reasonable efforts to provide language assistance to ensure meaningful access for persons with Limited English Proficiency (including those who do not know English, and/or for whom English is a second language) to the Grantee’s programs and activities. In compliance with Executive Order 13166, GOED has conducted the four-factor analysis for statewide purposes and developed a Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

[GOED Four Factor Analysis and Language Access Plan](https://sdgoed.com/wp-content/uploads/2023/11/GOED_Four_Factor_Analysis_and_LAP.pdf)

In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate the federal prohibition against national origin discrimination.

[Four Factor Analysis for Limited English Proficiency Guidance](https://sdgoed.com/partners/financing-incentives/community-development-block-grants/)

All Grantees are required to follow the measures outlined in the *Four Factor Analysis for Limited English Proficiency Guidance* to determine the need for a Language Access Plan (LAP).

APPENDIX A: SAMPLE REQUIRED PUBLIC HEARING ADVERTISEMENTS

**FIRST REQUIRED PUBLIC HEARING NOTICE - *TEMPLATE***

*Purpose: to solicit public input before applying for CDBG money*

NOTICE IS HEREBY GIVEN that the (Applicant) will hold a public meeting on (date) at (time), at (place) to discuss possible applications for funding under the State Community Development Block Grant (CDBG) Program and to gather residents’ ideas for possible activities to be included in the application. The purpose of this hearing is to review CDBG eligible activities and collect residents’ views on housing and community development needs that will improve livability within the community.

The (Applicant) anticipates applying for CDBG funds during the upcoming application round. The maximum amount of funds available per application is $2,000,000. A range of activities that may be undertaken include Public Infrastructure, Community Facilities, Demolition, and Workforce Training.

The (Applicant) is proposing to submit a CDBG application in the amount of ($XXX,XXX) for (proposed project), that will cost an estimated ($X,XXX,XXX). Information related to this project will be available for review prior to the public hearing as of (date) at (Applicant address), between the hours of (9am-4pm Monday-Friday).

Interested citizens are invited to provide comments regarding these issues either at the public hearing or by prior written statement. Written comments should be submitted to (contact name and address), no later than (date and time) in order to ensure placement of such comments in the official record of the public hearing proceedings. A plan to minimize displacement and assist those displaced has been prepared by the (Applicant) and is also available to the public. This project will/will not result in displacement of any persons or businesses.

Persons with disabilities or non-English speaking persons who wish to attend the public hearing and need assistance should contact (local contact name) at (address and telephone) no later than 48 hours prior to the meeting date to allow for necessary arrangements. Every effort will be made to make reasonable accommodations for these persons.

For additional information or to submit written comments, send to (local contact name, title, address, telephone number). Comments should be postmarked by (date).

**SECOND REQUIRED PUBLIC HEARING NOTICE - *TEMPLATE***

*Purpose: to update the public and solicit input on the progress of the project*

Notice is hereby given that (Grantee) will hold a public progress hearing on (date) at (time) at (location) to review the progress and activities that are on-going for (purposed project), which is subsidized in part by CDBG funds in the amount of ($XXX,XXX), and has estimated total project costs of ($X,XXX,XXX). Information related to this project will be available for review prior to the public hearing as of (date) at (Grantee address), between the hours of (9am-4pm Monday-Friday). Interested citizens are invited to provide comments regarding these issues either at the public hearing or by prior written statement. Written comments should be submitted to (contact name and address), no later than (date and time) in order to ensure placement of such comments in the official record of the public hearing proceedings. A plan to minimize displacement and provide assistance to those displaced has been prepared by the (Grantee) and is also available to the public. This project will/will not result in no displacement of any persons or businesses.

Persons with disabilities or non-English speaking persons who wish to attend the public hearing and need assistance should contact (local contact name) at (address and telephone) no later than 48 hours prior to the meeting date to allow for necessary arrangements. Every effort will be made to make reasonable accommodations for these persons.

For additional information or to submit written comments, send to (local contact name, title, address, telephone number). Comments should be postmarked by (date).