

NEW MEXICO CITIZEN

PARTICIPATION PLAN 2017



STATE OF NEW MEXICO CITIZEN PARTICIPATION PLAN

This plan may be obtained in alternative formats, upon request. Este plan se puede obtener en diferentes formatos, a pedido.

Introduction

In 1994, the US Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting, and citizen participation processes of five formula grant programs: Community Development Block Grants (CDBG), Home Investment Partnerships (HOME), Emergency Solutions Grants (ESG), Housing Opportunities for Persons with AIDS (HOPWA), and the National Housing Trust Fund (NHTF). The new planning process was intended to more comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities.

Provision of decent housing may involve assisting homeless persons in obtaining appropriate housing, retaining the affordable housing stock, increasing the availability of permanent affordable housing for low income households without discrimination or increasing supportive housing to assist persons with special needs. Providing a suitable living environment might entail improving the safety and livability of neighborhoods, including the provision of adequate public facilities; deconcentration of housing opportunities and revitalizing neighborhoods; restoring and preserving natural and physical features with historic, architectural, and aesthetic value; and conserving energy resources. Expanding economic opportunities can involve creation of accessible jobs, providing access resources for community development, and assisting low income persons to achieve self-sufficiency.

The Consolidated Plan is actually a three-part planning process required by HUD. It comprises developing a five-year strategic plan, preparing annual action plans and submitting annual performance reports. These three parts are intended to furnish the framework whereby New Mexico can identify its needs - housing, homeless, community development and economic development. The Consolidated Plan identifies resources that will be utilized and actions to address the needs, as well as look back and evaluate the state's progress toward achieving its strategic goals. Completing these documents on time and in a manner that is acceptable to HUD ensures program funding.

The precursor to the Consolidated Plan is the Citizen Participation Plan (CPP). The objectives of the CPP are to ensure that the citizens of New Mexico, particularly persons of low and moderate income, persons living in slum and blight areas, units of local government, housing agencies and other interested parties, are provided with the opportunity to participate in the planning and preparation of the Consolidated Plan (Con Plan), the Annual Action Plan (Action Plan), the Consolidated Annual Performance and Evaluation Report (CAPER) and any amendments to those Plans. In doing so, the CPP sets forth general policies and procedures for implementing and carrying out the consolidated planning process, such as how the Consolidated Plan will be developed, dates and milestones on how the process will proceed and methods for citizens to offer the state input and guidance in the formulation of the Plan. Furthermore, the provisions of the CPP fulfill statutory and regulatory requirements for citizen participation specified in the U.S. Department of Housing and Urban Development's rules for the Con Plan, and the HOME, CDBG, ESG, HOPWA and NHTF Programs. In New Mexico, the New Mexico Mortgage Finance Authority administers the HOME, ESG, HOPWA and NHTF funds and the Local Government Division, Community Development Bureau within the Department of Finance and Administration (DFA) administers the CDBG resources. MFA is the lead agency for developing the Con Plan.

In order to ensure maximum participation in the Con Plan process among all populations and needs groups, and in order to ensure that their issues and concerns are adequately addressed, MFA and DFA will follow the standards set forth in their adopted Citizen Participation Plan during development of their Con Plan, Action Plan and CAPER.

The term “entitlement area” refers to cities and counties that, because of their size, are able to receive federal funding directly. These areas must complete a separate Con Plan to receive HUD funding. For purposes of this report, non-entitlement refers to cities and towns that do not file Con Plans individually and are not able to receive funding from the HUD programs directly. Entitlements not covered by the New Mexico Con Plan are City of Albuquerque, City of Las Cruces, City of Santa Fe, City of Farmington, and the City of Rio Rancho. Individuals wishing to contribute to the consolidated planning process in these areas should contact housing and community development specialists in these cities. For further information on entitlement contacts call MFA.

Encouraging Citizen Participation

The Con Plan is designed to set out New Mexico's overall strategy for coordinating federal and other housing and community development resources to provide decent housing, establish and maintain a suitable living environment, and expand economic opportunities, particularly for low and moderate income persons.

Interested groups and individuals are encouraged to provide input into all aspects of New Mexico's consolidated planning activities, from assessing needs to setting priorities through performance evaluation. By following the CPP, there will be numerous opportunities for citizens to contribute information, ideas and opinions about ways to improve our neighborhoods, promote housing affordability and enhance the delivery of public services to local residents.

It is the policy of MFA to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by MFA programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits. MFA, at no cost to the LEP individuals or families, provides interpreter services to all LEP individuals or families applying for or participating in programs or receiving services/benefits through MFA. The interpreter services are provided in an efficient and timely manner so as not to delay a determination of eligibility for an individual or family, receipt of eligible services/benefits or participation in a MFA managed program beyond that of an English speaking individual or family. English and Spanish applications and outreach materials are available. Additionally, English and Spanish brochures describing services are available at MFA and at various community events, fairs and speaking engagements.

The state of New Mexico is committed to keeping all interested groups and individuals informed of each phase of the consolidated planning process and of activities being proposed or undertaken under HUD formula grant programs. Opportunities to comment on or participate in planning community development and affordable housing activities and projects will be publicized and disseminated throughout the state.

Public Hearings and Meetings

Both DFA and MFA will conduct a minimum of two public hearings to obtain citizens' views and to respond to proposals and questions. The hearings will take place at different stages of the consolidated

planning process. At least one will occur prior to development of the Draft Plan and will be intended to solicit public input regarding distinct issues, thereby aiding policy formation. At least one hearing will occur after the Draft Plan has been released for public review, allowing interested parties an opportunity to review the strategies and how they were developed, designed and presented.

Information about the time, location and subject of each hearing will be provided to citizens at least 14 calendar days in advance through adopted public notice and outreach procedures. This notification will be disseminated to local governments, partners and other interested parties. Public notification of the hearings will be published in statewide newspapers of general circulation in hearing location cities or towns and on MFA and DFA websites. MFA and DFA staff may also attend other meetings and conventions in New Mexico throughout the year, thereby providing an opportunity for additional public information on the Con Plan.

Every effort will be made to ensure that public hearings are inclusive. Hearings will be held at convenient times and locations and in places where people most affected by proposed activities can attend. MFA and DFA will utilize hearing facilities that are accessible to persons with mobility impairments. If written notice is given at least seven days before a hearing date, MFA will provide appropriate materials, equipment and interpreting services to facilitate the participation of non-English speaking persons and persons with visual and/or hearing impairments. Interpreters will be provided at public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. All public hearings and public meetings associated with the consolidated planning process will conform to applicable New Mexico open meetings laws. However, MFA may, at its discretion, actively solicit input on housing and community development issues during the course of the year with regional forums, town hall meetings and other venues, as they may present themselves.

Applicants must provide opportunities for public participation in the development of community development goals, objectives and applications for funding assistance by undertaking the following activities:

- Provide for and encourage citizen participation within their areas of jurisdiction with particular emphasis on participation by persons of low and moderate income,
- Provide citizens with reasonable and timely access to local meetings, information, and records relating to proposed and actual use of funds,
- Provide for technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. The level and type of assistance is to be determined by the applicant, and
- Provide for public hearings to obtain citizen participation and respond to proposals and questions at all stages.

Prior to selecting a project and submitting an application for CDBG funding assistance, eligible applicants must conduct at least one public hearing for the following purposes:

- To advise citizens of the amount of CDBG funds expected to be made available for the current fiscal year,
- To advise citizens of the range of activities that may be undertaken with CDBG funds,
- To advise citizens of the estimated amount of CDBG funds proposed to be used for activities that will meet the national objective to benefit low and moderate income persons,
- To advise citizens of the proposed CDBG activities likely to result in displacement and the unit of local government's anti-displacement and relocations plans,

- To obtain recommendations from citizens regarding the community development and housing needs of the community:
 - After considering all recommendations and input provided at the public hearing(s), the county commission or city/town/village council must select one project for which to submit an application for funding assistance at an official public meeting,
 - The applicant must conduct a second public hearing to review program performance, past use of funds and make available to the public its community development and housing needs including the needs of low and moderate income families and the action steps to be undertaken to meet such needs,
 - Public hearing notices must be published in the non-legal section of newspapers or posted in a minimum of three prominent places within the project area with reasonable time and public access,
 - Evidence of compliance with these regulations must be provided with each application, i.e. hearing notice, minutes of these meetings, list of needs, and activities to be undertaken, and
 - Amendments to goals, objectives, and applications are also subject to public participation.
- Provide for timely written answers to written complaint and concerns within 15 working days where practicable, and
- Identify how needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

Publication of Consolidated Plan Documents

MFA will publish the draft Con Plan, Annual Action Plan or CAPER (collectively “Drafts”) for public review in a manner that affords citizens, public agencies and other interested parties a reasonable opportunity to examine its contents and submit comments. The Drafts will be a complete document and shall include:

- The amount of assistance the state agencies expect to receive, and
- The range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income.

A notice for the release of the Draft Plan will be published in several newspapers of general circulation at the beginning of the public comment period. The release will include a list of the locations where copies of the entire proposed Con Plan may be obtained or examined. The following are among the locations where copies of the public comment draft will be made available for inspection:

- MFA and DFA offices,
- MFA website www.housingnm.org, or
- DFA website http://nmdfa.state.nm.us/Local_Government.aspx

Citizens and interested parties may obtain a reasonable number of free copies of the proposed Con Plan by contacting MFA at 505-843-6880, or 1-800-444-6880 statewide toll free, or the document may be downloaded from MFA website, located at <http://www.housingnm.org/publications>.

Public Comments on the Draft Consolidated Plan and Annual Action Plans

MFA, as lead agency, will receive comments from citizens on its draft plan for a period not less than 30 days prior to submission of the Con Plan or Annual Action Plans to HUD. The drafts will be scheduled for release in early fall of each year. The draft of the CAPER is scheduled for release in early spring of each year, with a 15-day public comment period.

All comments of citizens received in writing during the comment period will be considered in preparing the final Con Plan, Annual Action Plan or CAPER. A summary of these comments inclusive of those comments not incorporated and the reasons therefore will be attached to the final Con Plan, Annual Action Plan or CAPER.

Public Notice and Outreach

An informed public is critical to effective and responsive housing and community development programs. Efforts to educate residents and empower their participation are an ongoing element of the consolidated planning process.

As the fundamental means of notifying interested citizens about the Con Plan and related activities, such as the Annual Action Plan or the CAPER, MFA will publish public notices in newspapers of general circulation and on both MFA and DFA web pages. In addition, the notices will be shared with both agencies' extensive e-mail contact lists. Such notices will be published at least 14 calendar days prior to public hearings. All notices will be written in plain, simple language in English and Spanish and direct efforts will be undertaken to publish and/or post information at locations that will elicit maximum low and moderate income and minority participation.

Public education and outreach will be facilitated through the use of public advertisements that describe the consolidated planning process, opportunities for citizen participation and available funding through the CDBG, ESG, HOME, HOPWA and NHTF programs. The Con Plan e-mail list will likely include social service organizations, local jurisdictions, low income housing consumers, neighborhood groups, previous participants and commentators, and others expected to desire input on the Plan. This list is updated periodically and is available for inspection at MFA.

Technical Assistance

Agencies interested in obtaining technical assistance to develop project proposals or applying for funding assistance through HUD formula grant programs covered by the Con Plan, Annual Action Plan or CAPER may contact the staff of MFA or, in the case of CDBG funding, the Community Development Bureau within DFA. Such assistance may be of particular use to community development organizations, nonprofit service providers, and for-profit and nonprofit housing development groups that serve or represent persons of low and moderate income. Pre-application workshops offer basic program information and materials to potential project sponsors, and staff from MFA provides in-depth guidance and assistance to applicants and program participants on an on-going basis. Emphasis is placed on capacity development of community-based organizations.

Amendments to the Consolidated Plan

An amendment to the Con Plan is required whenever the jurisdiction determines to:

- Substantially change the allocation priorities or its method of distributing HUD formula grant funds,
- Utilize formula grant funds (including program income) to carry out an activity not previously described in the Action Plan, or
- Change the purpose, scope, location or beneficiaries of an activity.

Such changes, prior to their implementation, are reviewed under various federal or local requirements, particularly rules on procurement and/or policies on the allocation of public resources. Substantial amendments to the Con Plan are, in addition, subject to a formal citizen participation process. Notice and the opportunity to comment will be given to citizens through public notices in local newspapers and other appropriate means, such as direct mail or public meetings. A public comment period of not less than 30 days will be provided prior to implementing any substantial amendment to the Con Plan. MFA staff will prepare a summary of all comments received in writing and, in cases where any citizens' views are not accepted, provide reasons for the decision. This documentation will be attached to the substantial amendment, which will be available to the public and submitted to HUD.

Substantial Amendments

Occasionally, public comments warrant an amendment to the Con Plan. The criteria for whether to amend are referred to by HUD as Substantial Amendment Criteria. The following conditions are considered to be Substantial Amendment Criteria:

- Any change in the described method of distributing funds to local governments or nonprofit organizations to carry out activities. Elements of a method of distribution are:
 - Application process,
 - Allocation among funding activities in excess of 35 percent of the total current entitlement allocation,
 - Grant size limits, and
 - Criteria selection.
- An administrative decision to reallocate all the funds allocated to an activity in the Action Plan to other activities of equal or lesser priority need level, unless the decision is a result of:
 - Federal government rescission of appropriated funds, or appropriations are so much less than anticipated that the state makes an administrative decision not to fund one or more activities, or
 - The governor declares a state of emergency and reallocates federal funds to address the emergency, or
 - A unique economic development opportunity arises where the state administration asks that federal grants be used to take advantage of the opportunity.

Citizen Participation in the Event of a Substantial Amendment

In the event of a substantial amendment to the Con Plan, MFA or DFA or both, depending on the nature of the amendment, will conduct at least one additional public hearing. This hearing will follow a comment period of no less than 30 days, where the proposed substantially amended Con Plan will be made available to interested parties. Citizens will be informed of the public hearing via email and newspaper notification and through MFA and DFA websites prior to the hearing and the notice will appear in at least one newspaper that is circulated statewide.

Citizens will be notified of the substantially amended Con Plan's availability through newspaper notification prior to the 30-day comment period. The substantially amended sections of the Con Plan will be available on MFA's website, www.housingnm.org, for the full public comment period and an additional five (5) years.

Consideration of Public Comments on the Substantially Amended Plan

In the event of substantial amendments to the Con Plan, the state will openly consider any comments on the substantially amended Con Plan from individuals or groups. Comments must be received in writing or at public hearings. A summary of the written and public hearing comments on the substantial amendments will be included in the final Con Plan. The final Con Plan will also include a summary of all comments not accepted and their reasons for dismissal.

Changes in Federal Funding Allocations

Any changes in federal funding allocations after the Con Plan's draft comment period has expired and the resulting effect on the distribution of funds will not be considered an amendment or a substantial amendment.

Standard Amendments

Standard amendments are those that are not considered substantial in nature and pertain chiefly to minor administrative modifications of the programs. Thus they do not require in-depth citizen participation.

Annual Performance Reports

Performance reports on CDBG, HOME, ESG, HOPWA, and NHTF programs covered by the Con Plan or Annual Action Plan are to be prepared by MFA, with the cooperation of DFA, for annual submission to HUD within 90 days of the January 1 start of each program year. Draft performance reports will be made available upon written request. The draft CAPER will be available for comment for no less than 15 calendar days, and any public comments received in writing will be reported in an addendum to the final performance report.

Access to Records

To the extent allowed by law, interested citizens and organizations shall be afforded reasonable and timely access to records covering the preparation of the Con Plan, Annual Action Plan, or CAPER or project evaluation and selection, HUD's comments on the Plan and CAPER. In addition, materials on formula grant programs covered by the Con Plan or Annual Action Plan, including activities undertaken in the previous five years, will be made available to any member of the public who requests information from MFA. A complete file of citizen comments will also be available for review by interested parties. After receiving notice of HUD's approval of its Con Plan, Annual Action Plan, or CAPER, MFA and DFA will inform those on its mailing list of the availability of the final Plan document and of any HUD comments on the Plan.

Complaints and Concerns

Citizens, administering agencies and other interested parties may submit complaints and concerns regarding the programs MFA and DFA administer. Complaints should be in writing, specific in their subject matter, and include facts to support allegations. The following are considered to constitute complaints to which a response is due:

- The administering agency has purportedly violated a provision of this Citizen Participation Plan,
- The administering agency has purportedly violated a provision of federal CDBG, ESG, HOME, HOPWA or NHTF program regulations,
- The administering agency, or any of its contractors, has purportedly engaged in questionable practices resulting in waste, fraud or mismanagement of any program funds.

Residents may also present complaints and concerns verbally or in writing at the community meetings and/or public hearing. All public comments, including complaints and concerns, made either verbally or in writing within the 30-day public comment period, will be included in the final Con Plan, Annual Action Plan or CAPER. Such complaints or concerns for HOME, HOPWA, ESG or NHTF shall be directed to the Con Plan representative at MFA. Such complaints or concerns regarding CDBG shall be directed to the Bureau Chief by contacting DFA at 505-827-4975.

Timely Response to Complaints or Concerns

Upon receipt of a written complaint, the designated representative at MFA or DFA shall respond to the complainant within 15 calendar days and maintain a copy of all related correspondence, which will be subject to MFA and DFA review.

Within 15 calendar days of receiving the complaint, the designated MFA or DFA representative shall discuss the matter with the department manager and respond to the complainant in writing. A copy of MFA's or DFA's response will be transmitted, concurrently, to the complainant and to MFA or DFA Directors. If, due to unusual circumstances, the designated representative finds that he/she is unable to meet the prescribed time limit, the limit may be extended by written notice to the complainant. The designated representative's notice must include the reason for the extension and the date on which a response is expected to be generated, which may be based on the nature and complexity of the complaint.

Public review materials and performance reports will include data, as appropriate under confidentiality regulations, on any written complaints received and how each was resolved.

Activities Exempt from Substantial Amendment Citizen Participation Requirements

Urgent Needs

It may be necessary to amend the Consolidated Plan or Annual Action Plan in the event of an emergency such as a natural disaster. These amendments may include funding new activities and/or the reprogramming of funds including canceling activities to meet community development needs that have a particular urgency. Therefore, the state of New Mexico, acting through MFA, may utilize its HOME funds to meet an urgent need without the normal public comment period, which is otherwise required for substantial amendments. DFA, through its Community Development Bureau, may administer the CDBG funds for urgent needs in a similar fashion.

To comply with the national objective of meeting community development needs having a particular urgency, an activity will alleviate existing conditions that the state of New Mexico certifies:

- Pose a serious and immediate threat to the health and welfare of the community,
- Are of recent origin or recently became urgent,
- That MFA or DFA are unable to finance the activity on its own, or
- Other resources of funding are not available to carry out the activity.

A condition will generally be considered to be of recent origin if it is developed or became critical within 18 months preceding MFA's or DFA's certification.

Availability of the Citizen Participation Plan (CPP)

Copies of the CPP may be obtained from MFA's website at www.housingnm.org or from DFA's website at http://nmdfa.state.nm.us/Community_Development_Bureau_1.aspx. Upon request, MFA or DFA will make the Plan available in an alternative format accessible to persons with disabilities.