



**Texas General Land Office
Community Development and Revitalization
Hurricane Harvey (Pub. L. 115-56 and 115-123)
Citizen Participation Plan for the State and Subrecipients**

Overview

The Texas General Land Office (GLO) administers Community Development Block Grant disaster recovery (CDBG-DR) funds allocated to Texas by the U.S. Department of Housing and Urban Development (HUD). As part of the administration of CDBG-DR funds, the GLO is required comply with HUD's citizen participation requirements outlined in each Federal Register notice.

HUD's Federal Register Notice Requirements

Public Laws 115–56 and 115-123 appropriated CDBG-DR funds to address disaster relief and long-term recovery from major declared disasters that occurred in 2017; for Texas, two Federal Register notices issued by HUD ([83 FR 5844](#) published February 9, 2018, and [83 FR 40314](#) published August 14, 2018) allocated a total of \$5.676 billion for long-term recovery efforts in response to the impacts of Hurricane Harvey.

In paragraph IV.A.3 of HUD's Federal Register notice published August 14, 2018, the agency amends the first portion of its prior language issued in the February 9, 2017, Federal Register notice for the grantee's provision of citizen participation; notably, HUD increased the time period from 14 days to at least 30 days where grantee's must provide a reasonable opportunity for citizen comment and ongoing citizen access to information about the use of grant funds.

Citizen Participation Plan

Before the GLO adopts an action plan or any substantial amendment, it will publish the proposed plan or amendment on the GLO's recovery website, recovery.texas.gov.

- (1) Subsequent to publication of the action plan or substantial amendment, the GLO will provide a reasonable opportunity of at least 30 days and have a method(s) for receiving comments. Citizens with disabilities or those who need technical assistance can contact the GLO office for assistance, either via: TDD 512-463-5330 or TX Relay Service 7-1-1.

The GLO will take comments via USPS mail, fax, email, or through the GLO's recovery website:

Texas General Land Office
Community Development and Revitalization
P.O. Box 12873
Austin, TX 78711-2873
Fax: 512-475-5150
Email: cdr@recovery.texas.gov

Website: recovery.texas.gov

- (2) The GLO and/or subrecipients will notify affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, newsletters, contacts with neighborhood organizations, and/or through social media.
- (3) The GLO will ensure that all citizens have equal access to information about the programs, including persons with disabilities and limited English proficiency (LEP). The GLO will ensure that program information is available in the appropriate languages for the geographic area served by the jurisdiction. For assistance in ensuring that this information is available to LEP populations, recipients should consult HUD's *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* in the Federal Register notice published January 22, 2007 ([72 FR 2732](#)).
- (4) The action plan in its entirety will be translated to Spanish, Vietnamese, Chinese, Urdu, and Arabic. The languages selected were selected based on the entire eligible area of the CDBG-DR funds and a natural break in the numbers of Limited English Proficiency individuals. Recognizing there may be a need for individuals to have access to the document in additional languages the GLO will be contracting with a translation service to provide personalized translations of the action plan upon request. Any public places that work directly in programs available to private individuals will carry signage detailing this service in applicable languages. The GLO website will include similar notations.
- (5) In the action plan, the GLO will specify criteria for determining what changes in the GLO's plan constitute a substantial amendment to the plan. At a minimum, the following modifications will constitute a substantial amendment:
 - (a) A change in program benefit or eligibility criteria;
 - (b) The allocation or reallocation of more than \$5 million; or
 - (c) The addition or deletion of an activity.
- (6) Stakeholder consultation: The GLO will consult and conduct outreach for affected local governments, Indian Tribes, public housing authorities, nongovernmental organizations, the private sector, and other stakeholders and affected parties.
- (7) Consideration of public comments: The GLO will consider all written comments regarding specific action plans or substantial amendments. A summary of the comments and the GLO's response to each will be located in the appendix section of the relevant action plan submitted to HUD for approval.
- (8) Nonsubstantial amendments: The GLO will notify HUD when it makes any action plan amendment that is not substantial. HUD will be notified at least 5 business days before the amendment becomes effective. HUD will acknowledge receipt of the notification of nonsubstantial amendments via email within 5 business days; subsequently, the nonsubstantial amendment will be posted on the GLO's recovery website (recovery.texas.gov).

- (9) Citizen complaints: The GLO will provide a timely written response to every citizen complaint received. The response will be provided within 15 working days of the receipt of the complaint, if practicable. Complaints regarding fraud, waste, or abuse of government funds should be forwarded to the HUD OIG Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov).
- (10) The GLO will maintain a public website that provides information accounting for how all grant funds are used and managed/administered, including: links to all action plans; action plan amendments; CDBG-DR program policies and procedures; performance reports; citizen participation requirements; and activity/program information for activities described in its action plan, including details of all contracts and ongoing procurement policies. The GLO will make the following items available on recovery.texas.gov:
- (a) The action plan (including all amendments);
 - (b) Each Quarterly Performance Report (QPR) as created using the Disaster Recovery Grant Reporting System (DRGR) system;
 - (c) Updated procurement, policies, and procedures;
 - (d) Executed CDBG-DR contracts;
 - (e) Status of services or goods currently being procured by the GLO (e.g., phase of the procurement, requirements for proposals, etc.); and
 - (f) Application status.

In addition to the specific items listed above, the GLO will maintain a comprehensive website regarding all disaster recovery activities assisted with these funds. This includes reporting information on the GLO's recovery website, recovery.texas.gov. The website will be updated in a timely manner to reflect the most up-to-date information about the use of these funds and any changes in policies and procedures, as necessary. At a minimum, updates will be made on a monthly basis.

Additional Public Participation

Hurricane Harvey GLO Housing Guidelines

The Hurricane Harvey GLO Housing Guidelines contain the guidelines for the following programs: Harvey Homeowner Assistance Program, Local Buyout and Acquisition, Homeowner Reimbursement, Affordable Rental Program, and subrecipient housing programs.

- (1) The GLO's *Hurricane Harvey Housing Guidelines* (the Guidelines) will be posted for a minimum 30-day period.
- (2) Waivers to the requirements in these Guidelines can only be approved by the GLO and must be provided in writing. The GLO will provide the option for a waiver only after the waiver request has been posted on subrecipient's website for a public comment period of at least 7 days. The waiver request must demonstrate why the housing guidelines are not practicable for the subrecipient.

- (3) The GLO and subrecipients will develop regional local needs assessments. Each needs assessment will be posted for a 30-day public comment period.

Regional Method of Distributions

Nine impacted regions will be allocated funds for local buyouts and acquisitions and local infrastructure programs. Each impacted Councils of Governments (COGs) will develop a method of distribution (MOD) to allocate funds to eligible entities for local buyouts and acquisitions and infrastructure programs. Each COG MOD will follow a citizen participation process.

- (1) Develop a citizen participation plan;
- (2) Conduct a minimum of two (2) public hearings prior to finalizing the MOD;
- (3) Ensure that one (1) public hearing shall be a Public Planning Meeting.
- (4) Each COG is required to publish notice of any public hearings prior to holding the hearings.
- (5) Notices shall be published in all newspapers of record for all eligible counties in the region, posted on the COG website and provided to all eligible cities and counties in the region.
- (6) Hearings must fully comply with Texas Open Meetings Act.
- (7) The final MOD shall be posted on the COG's website for public comment prior to submission to the GLO.
- (8) The public comment period shall be no less than 14 days.
- (9) Each comment shall be responded to, and any changes made to the final MOD shall be noted in the response section for GLO review.

Local Buyout and Acquisition Program Subrecipients

Subrecipients must develop and publish program guidelines that capture program details and actions the subrecipient will take to delivery either a buyout or acquisition program. At contracting, the subrecipient will have 60 days to submit its locally approved guidelines to the GLO for approval. As a result, a 30-day public comment period is not required at application, unless the subrecipient policies and procedures locally require it.

Local Infrastructure Program Subrecipients

Each subrecipient must provide evidence (i.e. documentation, pictures) that the application was publicly posted for a 30-day public comment period.

Each applicant must maintain a citizen participation file which includes (1) a copy of the Plan Requirements below, (2) the applicant's complaint procedures, (3) any technical assistance provided by the applicant, and (4) public notices, minutes, and attendance lists for any public hearings. Applicants are cautioned that despite the expedited application process, they are still responsible for ensuring that all citizens have equal access to information about project activities. Plan requirements for localities include:

- (1) Outreach Efforts: Provide for reasonable public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG Disaster Recovery funds. These efforts shall:
- (a) Provide for and encourage citizen participation, particularly by low- and moderate-income persons, and areas in which CDBG-DR funds are proposed to be used;
 - (b) Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG-DR funds;
 - (c) Furnish citizens information, including, but not limited to:
 - i. The amount of CDBG-DR funds expected to be made available;
 - ii. The range of activities that may be undertaken with the CDBG-DR funds;
 - iii. The estimated amount of the CDBG-DR funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
 - iv. If applicable, the proposed CDBG-DR activities likely to result in displacement and the entity's anti-displacement and relocation plan;
 - (d) Provide citizens with reasonable advanced 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 entity's application to the state. "Substantially changed" means changes made in terms of purpose, scope, location, or beneficiaries as defined by criteria established by the state;
 - (e) These outreach efforts may be accomplished through one or more of the following methods:
 - i. Publication of notice in a local newspaper (a published newspaper article may also be used, so long as it provides sufficient information regarding program activities and relevant dates);
 - ii. Notices prominently posted in public buildings and distributed to local public housing authorities and other interested community groups;
 - iii. Posting of notice on the local entity website (if available);
 - iv. Public hearing; or
 - v. Individual notice to eligible cities and other entities as applicable using one or more of the following methods:
 - Certified mail;
 - Electronic mail or fax;
 - First-Class (regular) mail; or
 - Personal delivery (e.g., at a council of governments meeting).

Along with the application, the applicant must submit any notices of public hearings that the applicant may have that relate to the administration of Hurricane Harvey CDBG-DR funds that are provided to the applicant.

- (2) **Complaint Procedures:** The applicant/recipient must have written citizen complaint procedures that provide a timely written response (within 15 working days) to complaints and grievances. Citizens must be made aware of the location and the days and hours when the location is open for business so they may obtain a copy of these written procedures.
- (3) **Technical Assistance:** When requested, the applicant/recipient shall provide technical assistance to groups representative of persons of low and moderate income in developing proposals for the use of CDBG-DR funds. The level and type of assistance shall be determined by the applicant/recipient based upon the specific needs of the community's residents.
- (4) **Public Hearing Provisions:** For each public hearing scheduled and conducted by a CDBG-DR applicant or subrecipient, the following public hearing provisions shall be observed:
 - (a) **Furnish citizens information, including but not limited to:**
 - i. The amount of CDBG-DR funds available per application for Hurricane Harvey;
 - ii. The range of activities that may be undertaken with Hurricane Harvey funds;
 - iii. The estimated amount of the CDBG-Hurricane Harvey funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
 - iv. The proposed CDBG-DR activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.488.
 - (b) Public notice of any hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice **MUST** include the **DATE, TIME, LOCATION, and TOPICS** to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local public housing authorities and other interested community groups.
 - (c) Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings, and an applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least 2 days prior to each hearing.
 - (d) When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.
 - (e) Applicants may conduct a public hearing via webinar if they adhere to the provisions of this section. If the webinar is used to conduct a public hearing, a physical location

with associated reasonable accommodations must be made available, to ensure that those individuals without the necessary technology are able to participate.

(5) Citizen Participation Requirements: In the event that the applicant receives funding from the CDBG-DR program:

- (a) The locality is highly encouraged to hold a public hearing any time a substantial change in use of CDBG-DR funds from one eligible activity to another is proposed. GLO will determine when a change is substantial.
- (b) Upon completion of community development program activities, the locality is encouraged to hold a public hearing to review the recovery program's performance, including the actual use of CDBG-DR funds.
- (c) If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds. The entity's Record Retention Policy (regarding federal grants) must include language that complies with this statement: "HUD regulations generally require your community to retain all its grant-related documentation for 3 years from the date HUD closes its related disaster grant to the state of Texas. As the state grant remains open, the GLO will notify your office once it has closed."

Such records must be made available to the public in accordance with Chapter 552, Government Code.

The applicant must submit all notices of any public hearings or requests for public comment that the applicant may have that relates to the administration of Hurricane Harvey CDBG-DR funds provided.

Direct Allocations

Harris County

Harris County (the County) received a direct allocation of approximately \$1 billion out of the total \$5 billion federal disaster recovery fund awarded to the state and will directly administer, with the exception of economic development, all of its recovery programs; consequently, the County must develop its own citizen participation plan in addition to the GLO's foundational citizen participation guidelines. The primary goal of the County's plan is to provide residents with definitive opportunities to involve themselves in the recovery process as it pertains to CDBG-DR funds. The County is acutely aware of the hardships many of its residents are facing in Hurricane Harvey's aftermath, and strives to provide an ease of access to vulnerable populations struggling to recover. Recognizing the critical importance of community engagement that fosters participation in shaping recovery, the County will explicitly seek to engage:

- Especially vulnerable populations such as low-income and persons with a disability;
- Housing and civil rights advocates;
- Local community leaders;

- Non-profits;
- Business owners; and
- Other area stakeholders.

The County is providing several methods of engagement:

- (1) Stakeholder and focus group meetings that facilitate small group discussions around a specific topic of recovery and unmet needs;
- (2) Community meetings in an open house style that welcomes all the public;
- (3) Community surveys provided in English and Spanish;
- (4) Utilization of the “Meeting in a Box” format that allows grassroots community engagement with local moderators leading small groups of neighbors through a series of questions regarding their household’s and community’s recovery and CDBG-DR; and
- (5) A recovery website that offers residents of Harris County, community leaders, businesses, and other interested parties up-to-date information on disaster recovery programs and links to resources. The website address is harrisrecovery.org. This comprehensive website at a minimum will be regularly reviewed and updated on a monthly basis.

Grievances and Appeals

Harris County is responsible for responding to complaints and appeals in a timely and professional manner. A grievance and appeals procedure will be afforded to applicants to provide a quick and efficient system for resolution of concerns or disputes that applicants may have with the procedures followed and services provided by Harris County. The appeals procedure will include both an informal and a written grievance process which may include but not be limited to informal hearings, third-party review, and director approval. Harris County will keep a record of each complaint or appeal that it receives to include all communications and their resolutions. Complaints alleging violation of fair housing laws will be directed to HUD for immediate review (see Grievance and Appeals policy). Complaints regarding fraud, waste, or abuse of government funds will be forwarded to the HUD OIG Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov). If an applicant disagrees with the County’s decision, he or she can appeal to the Texas GLO.

City of Houston

The city of Houston (the City) received a direct allocation of approximately \$1 billion out of the total \$5 billion federal disaster recovery fund awarded to the state and will directly administer, with the exception of economic development, all of its recovery programs; consequently, the City must develop its own citizen participation plan in addition to the GLO’s foundational citizen participation guidelines. The primary goal of the City’s plan is to provide Houstonians with opportunities to involve themselves in the Hurricane Harvey recovery process as it pertains to CDBG-DR funds. In consultation with community stakeholders, the city of Houston’s (the City) Housing and Community Development Department (HCDD) has adopted the following principles in reaching out to disaster-affected communities:

- Be transparent with the community about data and programs to address outstanding disaster related issues;
- Inform residents about the CDBG-DR funding process including the action plan process, regulation requirements, eligible and ineligible activities, and interim resources available;
- Seek representative input from different areas in the City;
- Provide multiple avenues for residents to give feedback;
- Link community input to decisions about disaster recovery funding; and
- Leverage meetings already scheduled with external partners, in addition to scheduling City-hosted meetings.

The City is providing several methods of engagement:

- (1) Meetings with community groups, groups representing protected classes, super neighborhood councils, civic groups, and city council members;
- (2) Outreach to community partners such as academic institutions;
- (3) Meeting formats that will include table discussions on key disaster recovery challenges and priorities;
- (4) Meetings conducted in English and Spanish, with interpretation services available, as needed.
- (5) Engagement events with expert groups of developers and housing advocates.
- (6) To elicit feedback on disaster recovery needs on a City-wide scale, HCDD launched a Hurricane Harvey public survey in English and in Spanish.
- (7) HCDD will maintain a public website that provides information for how all grant funds are used and managed. The recovery webpage will be www.recovery.houstontx.gov. HCDD will have a procedure to ensure documents and information are updated on this website

Complaints

HCDD will provide a timely written response to every written complaint received related to CDBG-DR programs. The response will be provided in writing, or other effective communication, within fifteen (15) working days of the receipt of the complaint, when practicable.