

Amended
Citizen Participation Plan
for the
South Dakota Consolidated Plan,
the Assessment of Fair Housing,
and Annual Performance Report

Amended May 2020 for COVID-19 Relief

**Based on Public Comments received by
5:00 p.m. CDT, May 11, 2020**



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PURPOSE

The Consolidated Plan is a U.S. Department of Housing and Urban Development (HUD) requirement that combines the planning and application process for the existing HUD grants: the Community Development Block Grant (CDBG), the Emergency Solutions Grants Program (ESG), the HOME Investment Partnerships Program (HOME), the Housing Trust Fund (HTF) and any additional funding programs that may become available.

In effect, the Consolidated Plan examines the current housing situation, explores the housing and community development needs of the state, and sets priorities for spending the HUD formula program funds. Public comment is a vital component of exploring the state's housing and community development needs and setting spending priorities. The Consolidated Plan offers the opportunity for strategic statewide planning to occur alongside citizen participation.

HUD requires development of a Citizen Participation Plan that outlines policies and procedures of how the state intends to solicit citizen participation. The primary goal is to provide citizens, especially very low, low and moderate income residents, an opportunity to participate in an advisory role in the planning, implementation, and assessment of the programs and projects. The State of South Dakota expects to fund activities that address the needs of very low, low and moderate income residents in the categories of housing, public facility, infrastructure improvements, public service, accessibility and economic development. The following information is to outline and define the citizen participation process.

The agency contact for the Consolidated Plan and this Citizen Participation Plan is:

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CONSULTATION

When preparing the Consolidated Plan, Annual Action Plans, or the development of the Assessment of Fair Housing (AFH), South Dakota Housing Development Authority (SDHDA) and the Governor's Office of Economic Development (GOED) consult with public and private agencies that provide housing, health services and social services, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, and homeless persons. Consultation also

occurs with state-based and regionally-based organizations that represent protected class members and organizations that enforce fair housing laws. This process shall also encourage the participation of local, regional, and statewide institutions including Continuum of Care, businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations.

SDHDA shall also consult with public housing and Housing Choice Voucher programs, to the extent that the housing agency is administering public housing or the section 8 program on a statewide basis as well public housing authorities that certify consistency with South Dakota's Consolidated Plan.

ENCOURAGEMENT OF CITIZEN PARTICIPATION

Citizen participation by very low, low and moderate income individuals, minorities, non-English speaking persons, persons with disabilities, residents of public and assisted housing developments, and recipients of tenant-based assistance is encouraged throughout the creation of and amendments to the Consolidated Plan, the Annual Action Plan, Annual Performance Report, the Assessment of Fair Housing, and any amendments made thereto.

To assess the needs of non-English speaking persons, assistance of local Housing Authorities, service agencies providing translation services, along with community offices and schools will be requested. Information gathered from these agencies will be used to identify any need for translation of notices and other vital documents.

SDHDA and GOED may utilize the following means to encourage public participation:

- Public Hearings/Meetings – Hearings/Meetings will be held at a time and place which is convenient to the actual and potential beneficiaries of the program. These hearings will be held at various times and at handicapped-accessible sites. The public hearings/meetings can be conducted in person, or held via the Dakota Digital Network (DDN), or web based.
- Emailed Notices – Electronic copies of notices will be emailed via SDHDA's and GOED's mass email list which includes advocacy groups, local governments, State Departments, Public and Indian Housing Authorities, for-profit and non-profit housing developers, lending institutions and real estate agents, to help encourage citizen comments and attendance at public hearings/meetings.
- Online Surveys – If online surveys are utilized to solicit comments, a press release will be used to inform the public of the survey and where to access it. The survey would be posted on SDHDA's and GOED's websites.
- Internet Postings – Postings of the hearings, meetings, and notices will be placed on SDHDA's and GOED's website.
- Newspaper Advertisements – Notices (paid ads) will be published once in newspapers of daily circulation.

- Press Releases – A press release about the public hearing/meeting, plans and ability to provide comments will be emailed to the daily and weekly newspapers within the state.
- Libraries – To the greatest extent possible, notices will be emailed to libraries statewide to encourage display of the notice.
- Focus Groups – Meetings will be held with specific targeted groups, who serve specific populations or provide services. Purpose of the meetings will be to gather data to evaluate, enhance, or propose changes based on identified needs.

ENCOURAGEMENT OF PARTICIPATION FROM MUNICIPALITIES AND OTHER UNITS OF GOVERNMENT

SDHDA and GOED will notify by email, to the greatest extent possible, the state Community Action Agencies, Councils of Local Government, Housing and Redevelopment Agencies, County Officials and the city Mayors, of the opportunity to provide comments.

COMMENT ON THE CITIZEN PARTICIPATION PLAN AND AMENDMENTS

SDHDA and GOED will receive comments on the proposed Citizen Participation Plan during a 15 day comment period. In the event that there are substantial amendments to this Citizen Participation Plan, an additional comment period of at least 15 days will be allotted. This proposed Citizen Participation Plan (and, if necessary, the substantially amended Citizen Participation Plan) will be made available to the public before the 15 day comment period begins.

Upon request this Citizen Participation Plan will be made available in a format accessible to persons with disabilities.

PUBLIC COMMENT ON THE PROPOSED CONSOLIDATED PLAN, THE PROPOSED ANNUAL ACTION PLAN, AND THE PROPOSED ASSESSMENT OF FAIR HOUSING

Two public hearings/meetings will be conducted per year to obtain citizens' views. The meetings will be held at two different stages of the process. A public meeting will be held prior to drafting of the Consolidated Plan, the Annual Action Plan, and the Assessment of Fair Housing, to gather input regarding proposed changes. The meeting(s) will either be held in person in at least four communities, held in at least six Digital Dakota Network (DDN) sites across the state, or conducted via a web based platform. If for some reason the advertised sites are not available, the meeting will be held in Pierre and the public will be encouraged to send their comments in writing.

Notices of the meetings and how to participate will be disseminated through the means discussed in the *Encouragement of Citizen Participation* section above.

Once drafted and before adoption, the proposed Consolidated Plan, the proposed Annual Action Plan, or the proposed Assessment of Fair Housing, will be made available to interested parties for a comment period no less than 30 days.

A public meeting will be conducted during the 30-day comment period to gather comments on the proposed plan. Citizens will be notified of the proposed plan's availability through means discussed in the *Encouragement of Citizen Participation* section above.

Along with the notification that the proposed Consolidated Plan, the proposed Annual Action Plan, or the proposed Assessment of Fair Housing is available for public comment, a summary of the proposed plan's contents and purpose will be published. The notification will be published no later than on the day the proposed comment period begins. Locations where copies of the entire proposed plan may be obtained will also be stated in the notice.

The proposed Consolidated Plan, the proposed Annual Action Plan, and the proposed Assessment of Fair Housing will be available at SDHDA's website at www.sdhda.org for the full public comment period. Copies of the proposed plan will also be available from SDHDA and GOED during the public comment period. Citizens or groups who have attended the public hearings will receive notification of the proposed plan's availability for comment if their contact information is provided to SDHDA at the time of the hearing.

The final Consolidated Plan or the final Annual Action Plan will be submitted to HUD after the announcement of formula allocations has been made.

PUBLIC MEETINGS

As stated in the previous section, two public meetings will be held to gather comments on the Consolidated Plan, the Annual Action Plan, or the Assessment of Fair Housing. The first will be held prior to drafting of the plan. This meeting may be held in person in at least four communities across the state, via DDN, or via web based platform.

For the public meeting on the Consolidated Plan and the Annual Action Plan, SDHDA will make available to the public, residents, public agencies and other interested parties:

1. The amount of HUD assistance expected to be received by program;
2. The range of activities that can be undertaken including the estimated amount that will benefit persons of low and moderate income;
3. Plans to minimize displacement of persons and assist any persons displaced;
4. Opportunity to identify and discuss barriers to affordable housing and impediments to fair housing choice;
5. An anticipated time schedule for receiving public comments and submission of the Consolidated Plan or Annual Action Plan to the Department of Housing and Urban Development; and
6. The State's Citizen Participation Plan.

For the public meeting on the Assessment of Fair Housing (AFH), SDHDA will make available to the general public and interested parties:

1. Any HUD-provided data and other supplemental information SDHDA plans to incorporate into the AFH;
2. The proposed strategies and actions for affirmatively furthering fair housing;
3. A summary of the AFH describing the content and purpose and listing of locations where copies of the entire proposed document may be examined; and
4. A reasonable number of free copies of the AFH provided to residents and groups that request a copy.

The State will consider any comments or views received in writing or expressed orally at the public meeting in preparing the proposed Consolidated Plan, the proposed Annual Action Plan, or the proposed Assessment of Fair Housing.

The second meeting will be held during the 30-day comment period and will be to gather comments on the Draft Consolidated Plan, the Draft Annual Action Plan, or the Draft Assessment of Fair Housing.

Comments from individuals or groups received in writing or at the public meetings will be considered. A summary of the written and oral public comments and a summary of those not accepted and the reasons therefore, will be included in the final Consolidated Plan, the final Annual Action Plan, or the final Assessment of Fair Housing.

If SDHDA or GOED become aware of the need for translation services for non-English speaking residents at its public hearings, the services will be provided. Upon request, translators will be provided during the public meeting or written translations of public comments received will be provided after the public meetings.

AMENDMENT CRITERIA

The following will constitute a substantial amendment to the Consolidated Plan, the Annual Action Plan, or the Assessment of Fair Housing:

1. A change in the allocation priorities or a change in the method of distribution of federal funds that was not previously discussed in the plan.
2. The addition of an activity not previously described in the plan, using funds from any federal program covered in the plan.
3. A change in the purpose, scope, location, or beneficiaries of an activity funded by any federal program covered in the plan.
4. A material change in circumstances affecting the information on which the AFH is based, to the extent that the analysis the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances.

CITIZEN PARTICIPATION IN THE EVENT OF AN AMENDMENT

In the event of an amendment to the Consolidated Plan, the Annual Action Plan, or the Assessment of Fair Housing, the proposed amended plan will be made available to interested parties for a comment period of no less than 30 days. Notice will be provided through the means discussed in the *Encouragement of Citizen Participation* section above. The notification will be published no later than on the day the amended plan's comment period begins.

The amended sections will be available for viewing on SDHDA's website www.sdhda.org or copies may be obtained from SDHDA during the public comment period.

CONSIDERATION OF PUBLIC COMMENT ON THE AMENDED PLAN

Comments on the amended Consolidated Plan, amended Annual Action Plan, or the amended Assessment of Fair Housing, by individuals or groups received in writing or at public meetings will be considered. A summary of the written and oral public comments on the amendments, and a summary of those not accepted and the reasons therefore, will be included in the addendum to the final Consolidated Plan, the final Annual Action Plan, or the final Assessment of Fair Housing.

CONSOLIDATED PLAN ANNUAL PERFORMANCE REPORT

Before the Consolidated Plan Annual Performance Report (APR) is submitted to HUD, the report will be made available to interested parties for a comment period of no less than 15 days. This comment period will begin between 20 and 45 days before the APR's submission date to HUD which is March 31st. Notice of the APR's availability will be given through the means discussed in the *Encouragement of Citizen Participation* section above. The notification will be published no later than the day the APR comment period begins.

During the public comment period, the APR will be available at SDHDA's website and copies will be available from SDHDA or GOED by mail.

Comments will be considered from individuals or groups received in writing. A summary of the written comments and a summary of those not accepted and the reasons therefore, will be included in the final APR.

AVAILABILITY TO THE PUBLIC

The approved Consolidated Plan, Annual Action Plan, Assessment of Fair Housing, APR, and any substantial amendments will be available to the public within 30 days of HUD's

approval of the document. Copies of the plans will be available through SDHDA's website and copies may also be requested from SDHDA or GOED.

Additionally, SDHDA has an approved Relocation and Displacement Policy to minimize displacement and assist those displaced as a result of the activities in the Consolidated Plan and the Annual Action Plan. The Relocation and Displacement Policy is available on SDHDA's website.

Upon request, the Consolidated Plan, the Annual Action Plan, the Assessment of Fair Housing and APR will be made available in a form accessible to persons with disabilities.

ACCESS TO RECORDS

Interested parties will be provided access to information and records relating to the Consolidated Plan, the Annual Action Plan, the Assessment of Fair Housing and any other uses of assistance under the programs covered by this part during the preceding five years. The public will be provided reasonable access to housing assistance records, subject to state and local laws regarding privacy and obligations of confidentiality, during the APR public comment period.

TECHNICAL ASSISTANCE

SDHDA will make available technical assistance to eligible local governments, nonprofit organizations, community groups, Community Housing Development Organizations (CHDOs), and any other organization developing proposals.

COMPLAINTS

Substantive written response to every written citizen complaint will be provided within 15 working days of receiving the comment.

COMMENT PERIOD

The comment period for this Citizen Participation Plan was held March 6, 2019 through April 8, 2019. No public comments were received.

COVID-19 AMENDMENTS

In response to the COVID-19 Pandemic and the need to expediate actions to respond to COVID-19, South Dakota is amending its Citizen Participation Plan. The Citizen Participation Plan is being amended to expedite procedures, promoting and supporting

“social distancing” while offering the public an opportunity to provide valuable citizen input into policies and procedures particularly as it relates to the administration and implementation of its federal programs.

Per the Mega-waiver issued by HUD on April 1, 2020, HUD waives 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (i) in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG, HOME, HTF, HOPWA or ESG funds.

South Dakota submitted a written request to HUD Denver on April 24, 2020, requesting the ability to utilize the available waiver. Effective April 29, 2020, and consistent with the Mega-waiver issued by HUD on April 1, 2020, and for a period ending December 31, 2020, the following amendments are being made to the Citizen Participation Plan.

- Community input prior to drafting a substantial amendment to any previously approved annual action plan or consolidated plan, as it relates to the proposed funding availability or proposed uses of CDBG, HOME, HTF and/or ESG funds, is being waived.
- The substantial amendments, once drafted, will be made available to the public for review and comment. Consistent with Mega-waiver, the State of South Dakota is amending the Citizen Participation Plan to reduce the public comment period for substantial amendments from 30 days to no fewer than five (5) days.
- To solicit citizen participation and input regarding any amendments to annual action plans or consolidated plan, the amendments will be posted in a prominent place on the South Dakota Housing Development Authority’s and/or the Governor’s Office of Economic Development’s website(s), along with a Notice identifying the availability of the amendment for public review. The Notice will include the opportunity to provide electronic comments for a period of not less than five (5) days. As part of the Notice, the state will provide information on how citizens who have special needs may obtain the amendment in a form which is accessible to them. The Notice will also include the opportunity for the public to participate in a virtual public hearing process, by including the date, time and access information for the virtual public hearing, which will occur on the fourth (4th) day following the date the Notice is posted on SDHDA’s and/or GOED’s website and sent via email.
- The Notice will be sent via email to interested parties on SDHDA’s and/or GOED’s mailing list which includes public and Indian housing authorities, housing developers, public service agencies, local planning districts, units of local government, state offices, commercial lenders, rental management companies, advocacy services, homelessness service providers, domestic violence shelters, homeless shelters, community action agencies, USDA Rural Development, economic development offices, concerned individuals, and other interested parties. Notices (paid ads) will not be published in newspapers of daily circulation.

SDHDA and GOED will prepare an amendment to any respective plan (annual action plan or consolidated plan), where applicable, and the amendment shall include a discussion of the amount of assistance South Dakota expects to receive, the range of activities it will undertake with this assistance, and, to the extent possible, the benefit to low- and moderate-income people of the proposed activities.

Any comments received during the five (5) day public comment period will be considered by the SDHDA and GOED before the final amended action plan is submitted to HUD. A summary of the comments and the agencies' responses will be an attachment to the final amended action plan.

The procedures and actions discussed above will constitute South Dakota's citizen participation plan for any substantial amendments, which may need to be made in the course of the 2020 program year. A "substantial amendment" to the plan is one which implements a change in the amount of available funding and the use or method of distributing those funds.

Amendment to the Citizen Participation Plan – May 2020:

This Amended Citizen Participation plan was made available to the public for a five (5) day public comment period prior to implementation, giving the public an opportunity to review and comment accordingly. Notice of the Amended Citizen Participation Plan was posted on SDHDA's website and email notice was sent to all interested parties on SDHDA's mailing list. The five (5) day public comment period was held May 5 – May 11, 2020. A virtual public hearing was held May 8th, 2020, at 2:00 PM, CDT via Skype for Business. Information on how to participate in the meeting as well as conference call information was included in the notice.

No public comments were received during the public comment process or during the public meeting.