



Government of Puerto Rico

Autonomous Municipal Government of Toa Baja
Department of Housing and Federal Programs

Citizen Participation Plan

HUD Consolidated Planning

Hon. Bernardo Márquez García

Mayor

Updated Version as of December, 2020

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A. Introduction

For all entitlement cities or communities receiving HUD formula allocations under programs known as CDBG, ESGP, HOME, and HOPWA, it is required to develop a Multi-Year Consolidated Plan and Strategy, and Annual Action Plans. These are the acronyms for Community Development Block Grant Program (CDBG), Emergency Solutions Grant Program (ESGP), Home Investment Partnership Program (HOME), and Housing Opportunities for Persons with AIDS.

Each year the Municipality of Toa Baja, PR, as an entitlement city, receives grant funds from the U.S. Department of Housing and Urban Development (HUD) under the CDBG and HOME Programs. Since the year 2003, the CDBG allocations amount to \$32.1 million, and HOME to \$8.1 million. During the years 2001 thru 2012, the Municipality also received assignments in the amount of \$1.1 million under the Emergency Shelter Grant Program and ESGP. Most recently, in 2020, from CARES-Act formula grants for COVID-19 monies have been received in the amount of \$1,101,578 coming from two (2) separate allocations.

The entitlement funds' investment is subject to HUD's approval of a Three to Five-Year Consolidated Plan, which is implementing through Annual Action Plans. These Plans should encourage an active and broad citizen participation process. Up to the present, Toa Baja has been formulating Five-Year Plans.

According to Title 24, Code of Federal Regulations, Part 91.105, each of the entitlement cities must adopt a citizen participation plan. This document sets forth the jurisdiction's policies and procedures for citizen participation. Subsection (a) of regulations requires that citizen participation plans approved before August 17, 2015, need to incorporate newer provisions of the 24 CFR 91.105. The Municipality of Toa Baja adopted its current version of the Citizen Participation Plan (CPP) before 2015; therefore, the present Amendment incorporates the actual provisions outlined in 24 CFR 91.105.

Additionally, in 2020, in response to the COVID-19 crisis, HUD allowed cities to offer a short of at least a 5-day public comment period on substantial amendments to the Consolidated Five-Year Plan and Annual Action Plan on funds related to crisis relief. Consequently, this CPP is amended for such purposes and allows for virtual public hearings if physical attendance could be of any public safety concern. The CPP now contemplates using social media official accounts to publish public announcements and documents and conduct virtual video conferencing hearings or meetings previously announced through newspapers and social media. These amendments to the CPP are also subject to a 5-day public comments period allowed by HUD, instead of the 30-day customary period.

B. Lead Entity

The Department of Housing and Federal Programs (DHFP) attached to the Office of the Mayor of Toa Baja is the designated Lead Entity responsible for Consolidated Planning. The roles include the Five-Year Consolidated Plan's development and implementation stages, the Annual Plans, and their amendments. The DHFP oversees Consolidated Annual Performance Reports and Citizen Participation Plan (CPP); also, it works as a liaison between citizens and municipal government. As such, in the implementation of public policy described in this CPP. Therefore, they coordinate

public announcements, hearings, public meetings, provide documentation to citizens, and ensures that all federal regulations are satisfied.

C. Encouragement of Citizen Participation

To encourage the citizen participation, the Municipality of Toa Baja request community involvement in each of the following stages of the Consolidated Planning Process: (1) Development of the Consolidated Strategic Multi-Year Plan (or Five-Year Plan), (2) each of Annual Action Plans, (3) Substantial Amendment to either Consolidated Plan and Annual Action Plans, and (4) each of Consolidated Annual Performance Reports (CAPERs).

Toa Baja's Municipality takes appropriate actions to encourage all residents' participation, including low- and moderate-income persons, particularly those living in revitalization areas, slums-and-blighted areas, and in sectors where federal funds under the Consolidated Planning are projected to be used. Persons with disabilities and residents in general of predominantly low- and moderate-income neighborhoods are a target. The CPP defines Predominantly low-and-moderate-income communities as those where at least 51% or more households in the area have incomes at or below 80% of the area median income. For such purposes, HUD's special tabulation receives from the U.S. Census Bureau, published by Census Tract and Blocks group, is used.

Also, it encourages the participation of local and regional institutions serving Toa Baja Municipio, Continuums of Care, and other organizations, including businesses, developers, non-profit organizations, and community-based and faith-based organizations in the process of developing and implementing the Consolidated Plan and the Annual Action Plan, and reviewing Performance Reports. This described policy means approaching public and private entities located within and outbound of the Municipality's boundaries.

The methods adopted to encourage the citizens participation are, but are not limited to:

1. Official Announcements in newspapers of general circulation (compulsory for the processes related to Citizen Participation Plan, Consolidated Plan, Annual Action Plan, Annual Consolidated Performance Report and applications for loans guaranteed under HUD-Section 108);
2. Announcements or notices in regional newspaper when available;
3. Letters to community-based organizations, community leaders, and other organizations located or serving Toa Baja's population like those mentioned in the above paragraph;
4. Emails to listed community leaders, and profit and non-profit organizations;
5. By mailing lists;
6. By press releases;
7. Social Media Posts through the Municipality's official accounts; and

8. Whatever other actions determined as appropriate to encourage participation of low-mod income citizens, people with disabilities, and the elderly population.

D. Citizen Comment on the Citizen Participation Plan & Amendments

The Citizen Participation Plan can be changed after the public has been notified of the intention of the Municipality, and only after the citizens have had a reasonable chance to review and comment on the proposed substantial Amendment. The substantial amendments to the Citizen Participation Plan are notified to citizens through a public notice published in a newspaper of general circulation.

The notice will provide 30 days for individuals, public agencies, and any other entity to make their comments on the proposed Amendment, which the Municipality will receive in writing, or orally.

Citizen comments are evaluated and determined in writing and informed to the community. There will be no more than 15 days for the Municipality to review and respond to citizens' observations and comments. After said period, from the sixteenth day, the Amendment is being sent to HUD, and ten (10) days after filing in HUD, the Amendment will take effect.

People with disabilities will have access to both the CPP and its proposed amendments available in the Department of Housing and Federal Programs (DHFP) that is set-up without architectural barriers. The CPP, upon request, will be into forms accessible to persons with disabilities.

As elsewhere stated in this Plan, in 2020, in response to the COVID-19 crisis, HUD allowed cities to offer a shorted 5-day public comment period on substantial amendments to the Consolidated Plans on funds related to crisis relief. The City amended the CPP to permit a 5-day public comment period and allow for virtual public hearings if attendance could cause a public safety issue. This disposition will remain in the CPP for any future flexibility notice issued by HUD, only adjusting the days such HUD's new notice specified. Then, suppose in the future, the 30-days comment period is temporarily reduced by whatsoever. In that case, no CPP amendment will be needed but adopt the citizen participation's process to the new HUD regulatory notice as published.

E. Development of the Consolidated Plan and Annual Action Plan

The Municipality follows a public engagement process that provides ample opportunities to review and comment during the development of the Consolidated Plan and Annual Action Plan before submission to HUD.

Several are the main stages for the development of the Consolidated Plan and Annual Plans. In general, these stages or events include:

1. Identification of housing and community development needs;

2. Preparation of a draft use of funds for the upcoming year that is called the proposed Annual Action Plan. Every five (5) years develop a new Five-Year Strategic Plan (elsewhere herein also called Consolidated Plan);
3. If changes to the use of funds already budgeted in an Annual Action Plan or a modification in priorities and goals established in the Five-Year Strategic Plan are necessary, a Substantial Amendment is proposed, considered, and acted over; and
4. After a Program-Year is complete, a draft of the Consolidated Annual Performance and Evaluation Report (CAPER) is developed for public review and comment.

F. Program Year

The Municipality's Program Year (PY) begins on July 1 and ends June 30.

G. Consolidated Plan Amendments

1. Criteria for Amendment to Consolidated Plan

The Municipality will use the following criteria for determining what changes in the Municipality's planned or actual activities constitute a Substantial Amendment to the Consolidated Plan or Action Plan:

- a) If make a change in its allocation priorities or a change in the method of distribution of funds;
- b) If the CDBG National Objective for planned activity is changed from low-and-moderate benefit to any other category;
- c) If an activity, using funds from any program covered by the consolidated plan (including program income, reimbursements, repayment, recaptures, or reallocations from HUD), is not previously described in the action plan;
- d) If the use of funds changes from one eligible activity to another;
- e) If the purpose, scope, location, or beneficiaries of an activity change;
- f) If the Municipality determines not to carry out an activity originally described in the Annual Action Plan;
- g) If the Municipality decides a substantial change in the purpose of an activity that ultimately is a change in the type of the activity or its objective; and
- h) If a proposed adjustment to an activity budget is greater than 50% of the original or previously amended, budget.
- i) Any other change that for its nature, and in the opinion of the City Government Officials, has a projected impact that is considered substantial.

2. Amendment Process

- a) The Municipality analyze Consolidated Plan or Annual Plan for Amendment;

- b) A draft Amendment is developed; also Notice summarizing the Amendment to be published in a newspaper of general circulation, and the version to be posted in the Municipality's social media accounts, when using. The summary will describe the contents and purpose of the Amendment, including: (1) the location or media where a copy of the draft is available for revision by citizens and other interested parties, and (2) the deadline and place to which comments should be submitted;
- c) 30 days is provided for comments; except when exception by flexibilities or waivers are announced by HUD and adopted by the Municipal Government;
- d) The Municipality considers all comments and views received in writing or by Email, and Final Amendment is completed for submission to HUD. A summary of comments and opinions is incorporated into the Amendment, including those not accepted and the reason(s);
- e) Submission to HUD through IDIS (Integrated Disbursement & Information System); and
- f) Approval by HUD.

H. Performance Reports

The Municipality provides citizens with reasonable notice to review and comment on Annual Performance Reports developed or produced by the local government to inform about activities and projects engaged and the level of accomplishment reached.

At the end of each program year, the Municipality prepares what HUD regulations call a Consolidated Annual Performance and Evaluation Report (or CAPER) for Consolidated Plan programs. The Municipality publishes a notice in a newspaper of general circulation that the report has been completed and is available for review at least 15 days before its submission to HUD. Citizens are given 15 days to submit comments on the report. After that, the Municipality considers any comments received and summarizes them in each program year report. In addition to the newspaper, the notice, and when feasible, the draft report is uploaded to social media in which the Municipality government may have public accounts.

I. Public Hearings

The Municipality of Toa Baja, through its Department of Housing and Federal Programs (DHFP), holds at least two (2) formal public hearings each year to obtain citizen's views and to respond to proposals and questions during different stages of the development of the Consolidated Plan or Action Plan. Together, these hearings will address housing and community development needs, develop proposed activities, proposed strategies, and review program performance.

1. The first hearing or hearings are to obtain citizens' views regarding housing and community development needs, including priority non-housing community development needs and priorities for the coming year, and to review program performance. The hearing is held before the proposed (or Draft) Consolidated Plan or Action Plan is published for comment.

2. The second hearing or hearings are to accept citizens' views regarding the Draft Consolidated Plan or Action Plan. It is held during the 30-day comment period on the draft Plans. The draft plans will be available for review at least seven (7) days before the scheduled hearing. The hearings are advertised through a notice in a newspaper of general circulation. Additional methods, as described in item C above, are used as needed.

This period is shorted to at least five (5) days, according to the COVID-19 waiver approved to the Municipality by HUD. This waiver is through the end of Program Year 2020.

Any comments or views of citizens received in writing or orally at the public hearing or meetings will be considered by the Municipality to develop the Consolidated Planning documents. The Department of Housing and Federal Programs (DHFP) will review and reply to each of them, including replies in the same public hearing or meeting.

As elsewhere discussed in this CPP summary of comments (and public responses) are incorporated into the applicable Consolidated document.

J. Meetings

All public hearings and meetings are open to the citizens. Public announcement (s) and other communications methods with citizens and organizations are used by the Municipality as elsewhere discussed in this Plan. It will generally be held at the City Hall or at a close location to the Department of Housing and Federal Programs, both accessible places. However, the Municipality may hold additional public meetings in neighborhood locations, as needed.

All places must be accessible to people with disabilities, and special provisions are also made for people with unique needs when a request is made at least with five (5) working dates before the meeting or hearing.

Please refer to item I. above for further details.

K. Availability to the Public

The draft plan and any substantial amendment are published before the Municipality's final action to allow citizen review and comment time. Citizens are notified of the availability of the draft Consolidated Plan, Action Plan, or the substantial Amendment for consideration by the publication of a plan or amendment summary in a general circulation newspaper. Citizens are given a period of not less than 30 calendar days' notice before adopting the Plan (or at least five (5) days if the Amendment is related to COVID-19 relief). The statutory minimum period for comments will always be 30-days, except when HUD, due to exceptional circumstances, allows waivers stating a different minimum number of days, **always** subject to the Municipality requesting the waiver. Copies of the amendments are available on the Municipality Hall, Municipal Legislature, Libraries, and any other places determined from time to time.

L. Limited Language Proficiency (LLP) Residents

Both Spanish and English are the official languages of Puerto Rico, but Spanish is the dominant language. The American Community Survey Data for 2014-2018 show that 93.2% of Toa Baja

inhabitants of 5 years of age and over speak at home, other languages than English, primarily Spanish. Moreover, 99% of the population is self-identified as Hispanic or of Latino origin. Accordingly, all notices are published in Spanish and, in some instances, in both languages. For those documents published entirely in English, a Spanish summary is provided. Therefore, there is no need for translation in other languages.

Notwithstanding the above, the Director and staff attached to the Department of Housing and Federal Programs (DHFP) are available to those residents, particularly low and moderate-income whose may have limited ability to speak, read, write or understand any of both languages. This will assist them with planning, programming, and implementing federal funding programs under Consolidated Planning and improving their active participation in the entire process.

M. Access to Records

All public information and records, as defined by Federal, State, and local laws and regulations related to the Municipality's Consolidated Plan are available for review in the Department of Housing and Federal Programs (DHFP) during regular office hours. Requests for records are handle following the Municipality's policy for inspection of public records. A reasonable fee might be charged for copying records for citizens, subject to regulations adopted for such purposes by the Municipal government from time to time. The Municipality's policy provides proper formats and within a practical lapse of time information or copies of documents officially requested by the public, residents of the community, public agencies, and other interested parties. The CPP defines the term reasonable as fifteen (15) days (or less when possible) from the formal petition date unless such requests are for information that is not readily or requires additional research that may take longer. In such cases, the Municipality will respond in writing within fifteen (15) days stating whether the information is available and the timeline for completing the request submitted.

The Municipality will also provide information and records relating to the Municipality's Consolidated Plan and the local government's assistance under the Consolidated Plan's programs during the preceding five (5) years.

N. Technical Assistance

The citizens, public entities, housing developers or providers, or other funding applicants may contact the Department of Housing and Federal Programs (DHFP) for technical assistance. DHFP's staff, upon written request, will help anyone interested in understanding Consolidated Plan programs and processes, including the regulatory federal government framework. Anyone refers to all that whose main target is to assist or representing the low- and moderate-income residents, including, but not limited to, non-profit organizations, citizen groups, public agencies, housing developers or providers, or residents of blighted neighborhoods. They will receive counseling, including information on the procedures for development-submitting proposals for funding assistance, the scope of both this CPP and other community

development programs under HUD, but emphasizing in the CDBG Program. The support provided will not include the provision of funds.

O. Complaints

The Municipality of Toa Baja establishes that any citizen, including handicaps, hearing impaired, and blinds, may submit a complaint to the Municipality of Toa Baja or HUD about any matter that understand is affecting one of the following rights:

1. To obtain information about the Consolidated Plan and each of its Annual Action Plan including a copy;
2. To get information about proposals amendments to the Consolidated Plan or Action Plans, data from proposed activities, including eligibility, proposed budget (s) and related;
3. To obtain information about Consolidated Annual Performance Report (CAPER), including data and reports provided by sub-recipients, if any;
4. To assist to public meetings or hearings sponsored by the Department of Housing and Federal Programs (DHFP) addressed to cover any of the stages comprising the consolidated planning process, amendments to the plans and the CAPER;
5. To have access to the base-documentation used in the Consolidated Planning Process for development of Consolidated Plan, Annual Action Plans, Amendments, and Performance Reports;
6. To receive Technical Assistance as described in item N above;
7. Handicapped to have access free of architectural barriers to meetings and hearings or to review documents; and
8. To have access, blind and hearing-impaired to the documentation above described in an audible means or technology.

To handling complaints from citizens, the same is to be made in writing. Persons filing verbal claims in person or by telephone would be encouraged to transcribe them in writing to ensure clarity and the complainant's rights.

All written citizen complaints refer to the Director of the Department of Housing and Federal Programs (DHFP) and, after her/his revision, immediately to the appropriate staff person(s) for action. Under normal circumstances, the DHFP will respond to the person making the complaint within 15 working days of receipt of the claim in the DHFP. All complaints and responses will be kept on file. If any, the oral complaints will not necessarily be responded to in writing, but there is also the commitment to answer them in a timely fashion in the 15 days term. For all of them, a formal filing process, organized by program-year, is followed to comply with item M of this CPP.

The complaint must be submitted to the Mayor's Office at City Hall or mailed by ordinary or certified mail to the address below. The same can also be emailing or faxing through the HUD Caribbean Area Office:

Mayor Office Information

Hon. Bernardo Márquez García, Mayor
Box 2359
Toa Baja, PR 00951

Rafael Arrieta Street #16
Toa Baja, Puerto Rico 00949

Phone: (787) 261-0202
Mayor Office Email: alcalde@toabaja.com

Caribbean Area Office Information:

Mrs. Olga De la Rosa, Director
Community Planning and Development Division
U.S. Department of Housing and Urban
Development
Caribbean Office – Region V,
Parque Las Américas No. 1
253 Federico Costas St., Suite 200
San Juan, P.R. 00918

Email: Olga.L.DelaRosa@hud.gov;
sanjuanpcpdcorrespondence@hud.gov

Note: HUD Caribbean Area Office receives a copy of replies to those complaints addressed through such agency.

At least the complaint must contain the following information from the complainant:

1. Name
2. Phone Number
3. Email address (if any)
4. Brief description of the complaint based on the violation of one or more of the rights enumerated above
5. Supporting document (s) (if any)

P. Use of Citizen Participation Plan

The Municipality certifies that follows all the dispositions contained throughout this Citizen Participation Plan (CPP) to inform citizens and those low and moderate-income of the opportunities to contact the local government and how the local government reaches them express needs and wishes for community improvements. Also, to encourage their active participation in all stages of the consolidated planning process.

Q. Jurisdiction Responsibility

The Municipality certifies that the requirements for citizen participation described throughout this policy document do not restrict the responsibility or authority of the Municipality and the designated Lead Entity for the development and execution of the Consolidated Plans, Annual Action Plans, and Consolidated Annual Performance Reports, as per the applicable Federal regulations.

R. Effective Date and Amendments

As amended, this plan will be effective in December 2020. It will remain in effect as long as Consolidated Plan activities are ongoing or superseded by a new Citizen Participation Plan. Citizens will be given notice and an opportunity to comment on any substantial amendments to the Citizen Participation Plan (CPP). The CPP will be made available to the public during regular business hours at the Department of Housing and Federal Programs (DHFP). Persons with disabilities that need special accommodations to review the CPP may request DHFP, and reasonable accommodations will be made to provide the document in a format accessible to the person making the request.