

Consolidated Plan, Annual Action Plan, and Citizen Participation Plan Substantial Amendments (2020-#1)

As an entitlement community, the City of Aurora, Illinois ("City") receives funding from U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant Program (CDBG), HOME (HOME) Investment Partnerships Program, and Emergency Solutions Grant (ESG) Program. Through the March 27, 2020 passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, the City has also received a CDBG-CV allocation. To expedite the disbursement of the City's 2019 CDBG, 2020 CDBG, and 2020 CDBG-CV funds, via 24 CFR 5.110, the CARES Act authorizes HUD to grant waivers to the public notice, public comment, and citizen participation plan requirements found in 24 CFR 91.105l(2) and (k), 24 CFR 91.115l(2) and (i) and 24 CFR 91.401. In accordance with the City of Aurora's Citizen Participation Plan and HUD's regulatory requirement waivers (which reduce the minimum 30-day public comment period to a 5-day period), a virtual public hearing will be held at 4:00 p.m. on April 24, 2020 to provide an opportunity for comment on proposed *Substantial Amendments (2020-#1) to the 2020-2024 Consolidated Plan as well as its 2019 and 2020 Annual Action Plans* as well as the City's *Citizen Participation Plan*. The public hearing will be viewable via remote access at <https://zoom.us/j/91760027436>. To join the public hearing for purposes of public comment via telephone, please call:

Phone Number: +1 312 626 6799

Meeting ID: 917 6002 7436

Those wishing to provide public comment must pre-register with the Community Development Division no later than 12:00 noon on April 23, 2020 via email: dnr@aurora-il.org or voicemail, 630-256-3320. Speakers must provide their name and telephone number from which the public hearing will be accessed. The public is advised that all telephone numbers and participant names may be visible to the public.

Upon advance request, the City will provide for translation services to meet the needs of non-English speaking residents. For more information, to make special arrangements, contact the Community Development Division via email: dnr@aurora-il.org or voicemail, 630-256-3320.

The Substantial Amendments will result in the re/allocation of unexpended CDBG (\$900,000) and the CDBG-CV funds (\$902,078) and adjustments needed to ensure the integrity of the City's spending obligations and also further address the City's effort to comply with HUD's regulatory requirements in administering the City's CDBG Program.

Please be advised that effective April 23, 2020, a summary of the proposed *Substantial Amendments to the City of Aurora's 2019 and 2020 Annual Action Plans and its Citizen Participation Plan* will be available for review and public comment on the City of Aurora's website: www.aurora-il.org/1175/Neighborhood-Redevelopment. To provide comments, please contact the Community Development Division (CDD) via phone at (630) 256-3320 or dnr@aurora-il.org. Written and verbal comments will be accepted no later than 4:00 p.m., April 27, 2020. All responses will be addressed by the CDD and submitted to HUD. The Substantial Amendment is scheduled for review and adoption at the City Council's April 28, 2020 meeting at 5:00 p.m., via the Zoom video conferencing platform. As with all Aurora City Council meetings, public viewing will be available on the City's Facebook page (www.facebook.com/cityofaurorall) and on the homepage of the City's website (www.aurora-il.org).

NOTICIA PÚBLICA

Plan consolidado, Plan anual de acción y Plan de enmiendas sustanciales y participación ciudadana (2020- # 1)

Como derecho de la comunidad, la Ciudad de Aurora, Illinois ("Ciudad") recibe fondos del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) a través del Programa de Subvención de Desarrollo de Bloque Comunitario (CDBG), el Programa de Asociaciones de Inversión HOME (HOME) y Programa de Subvención de Soluciones de Emergencia (ESG). A través de la aprobación del 27 de marzo de 2020 de la Ley de Ayuda, Alivio y Seguridad Económica por Coronavirus (Ley CARES), Ley Pública 116-136, la Ciudad también recibió una asignación de fondos CDBG-CV. Para acelerar el desembolso de los fondos de la Ciudad CDBG 2019, CDBG 2020 y CDBG-CV 2020, a través de 24 CFR 5.110, la Ley CARES autoriza al Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) a otorgar exenciones a los requisitos de aviso público, comentario público y plan de participación ciudadana que se encuentran en 24 CFR 91.105I (2) y (k), 24 CFR 91.115I (2) y (i) y 24 CFR 91.401.

De acuerdo con el Plan de Participación Ciudadana de la Ciudad de Aurora y las exenciones de requisitos reglamentarios del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) (que reducen el período mínimo de comentarios públicos de 30 días a un período de 5 días), se llevará a cabo una audiencia pública virtual a las 4:00 p.m. del 24 de abril de 2020 para brindar la oportunidad para comentar sobre las Enmiendas sustanciales propuestas (2020- # 1) al Plan consolidado 2020-2024, así como sus Planes de acción anuales 2019 y 2020, y así como el Plan de participación de los ciudadanos de la ciudad. La audiencia pública se podrá ver mediante acceso remoto en <https://zoom.us/j/91760027436>. Para unirse a la audiencia pública con el propósito de hacer un comentario público por teléfono, por favor llame al:

Número de teléfono: +1312626 6799

Número de ID de la reunión: 917 6002 7436

Aquellos que deseen proporcionar comentarios públicos deben inscribirse previamente en la División Desarrollo de la Comunidad a más tardar a las 12:00 del mediodía del 23 de abril de 2020 por correo electrónico: dnr@aurora-il.org o al correo de voz, 630-256-3320. Los oradores deben proporcionar su nombre y número de teléfono desde el cual se accederá a la audiencia pública. Se informa al público que todos los números de teléfono y los nombres de los participantes pueden ser visibles para el público.

Según solicitud previa, la Ciudad proporcionará servicios de traducción para satisfacer las necesidades de los residentes que no hablan inglés. Para obtener más información, para hacer arreglos especiales, comuníquese con la División de Desarrollo de la Comunidad por correo electrónico: dnr@aurora-il.org o al correo de voz, 630-256-3320.

Las Enmiendas sustanciales resultarán en la reasignación/asignación de fondos CDBG no gastados (\$900,000) y de fondos CDBG-CV (\$902,078) y los ajustes necesarios para garantizar la integridad de las obligaciones de gasto de la Ciudad y también abordarán los esfuerzos de la Ciudad para cumplir con los requisitos reglamentarios de Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) en la administración del Programa de Subvención de Desarrollo de Bloque Comunitario (CDBG) de la Ciudad.

Tenga en cuenta que, a partir del 23 de abril de 2020, un resumen de las Enmiendas sustanciales propuestas a los Planes de acción anuales 2019 y 2020 y al Plan de participación ciudadana de la Ciudad de Aurora estará disponible para su revisión y comentario público en la página de internet de la Ciudad de Aurora: www.aurora-il.org/1175/Neighborhood-Redevelopment. Para proporcionar comentarios, comuníquese con la División de Desarrollo de la Comunidad (CDD) por teléfono al (630) 256-3320, o por correo electrónico: dnr@aurora-il.org. Se aceptarán comentarios escritos y verbales a más tardar hasta las 4:00 p.m., 27 de abril de 2020. Todas las respuestas serán atendidas por la División de Desarrollo de la Comunidad y enviadas al Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD). La Enmienda Sustancial está programada para su revisión y adopción en la Reunión del Concejo Municipal de la Ciudad del 28 de abril de 2020 a las 5:00 p.m., a través de la plataforma de videoconferencia Zoom. Al igual que con todas las reuniones del Concejo de la Ciudad de Aurora, la visualización pública estará disponible en la página de Facebook de la Ciudad (www.facebook.com/cityofauroraIL) y en la página de internet de la Ciudad de Aurora (www.aurora-il.org).



Housing & Community Development Block Grant Consolidated Plan

Program Years 2020 - 2024

Proposed Substantial Amendments (2020-#1)
to

2020-2024 Consolidated Plan

2019 and 2020 Annual Action Plans

Citizen Participation Plan

DRAFT (April 2020)

Community Development Division • 44 E. Downer Place • Aurora, Illinois 60507
(630) 256- 3320 • dnr@aurora-il.org

Substantial Amendment 2020-#1 Executive Summary

Substantial Amendment 2020-#1 proposes amendments to the following documents:

- Substantial Amendment to 2019 Annual Action Plan
- Substantial Amendment to 2020 -2024 Consolidated Plan and 2020 Annual Action Plan
- Amendment to Citizen Participation Plan

As an entitlement community, the City of Aurora, Illinois (“City”) receives funding from U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant Program (CDBG), HOME (HOME) Investment Partnerships Program, and Emergency Solutions Grant (ESG) Program.

Through the March 27, 2020 passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, the City received a Community Development Block Grant-CV special allocation to be used to prevent, prepare for, and respond to the Coronavirus (COVID-19). To expedite the disbursement of the City’s 2019 CDBG, 2020 CDBG, and 2020 CDBG-CV funds, via 24 CFR 5.110, the CARES Act authorized HUD to grant waivers to the public notice, public comment, and citizen participation plan requirements found in 24 CFR 91.105I(2) and (k), 24 CFR 91.115I(2) and (i) and 24 CFR 91.401. In addition to the public comment waivers, the CARES Act also established the following regulatory waivers, all of which, the City of Aurora will utilize under proposed Amendment 2020-#1:

1. The public services cap of 15% is suspended for the City’s 2019, 2020, and new CDBG-CV funds.
2. The CARES Act allows for unlimited COVID-19 related pre-award costs for eligible reimbursement costs funded through CDBG-CV only. (This does not apply to the City’s 2019 and 2020 CDBG funds; pre-award costs are limited to no more than 25% or \$300,000 of the City’s grant amounts for each year, whichever is greater.)
3. The CARES Act permits the use of virtual public hearings when necessary for public health reasons.
4. The CARES Act permits Citizen Participation Plan Amendments and other Plan publications to occur concurrently.

The Substantial Amendments to the the City’s 2019 AAP, 2020 AAP, and 2020-2024 Consolidated Plan will result in the re/allocation of \$1,802,078 of unexpended 2019 and 2020 CDBG funds (\$900,000) and new CDBG-CV funds (\$902,078) and adjustments needed to ensure the integrity of the City’s spending obligations and also further address the City’s effort to comply with HUD’s regulatory requirements in administering the City’s CDBG Program. The Amendment to the City’s Citizen Participation Plan will expedite the City’s disbursement of funds and accelerate the City’s COVID-19 recovery efforts for its residents, businesses, and non-profit organizations.

The following tables and project/activity descriptions reflect the proposed amendments to the City’s 2020-2024 Consolidated Plan, 2019 Annual Action Plan, and 2020 Annual Action Plan. Upon closure of the public comment period and receipt of City Council approval, all proposed amended and new activities together with their proposed funding will be entered into the applicable sections within HUD’s e-Con Planning Suite Reporting System.



***New* 2020-2024 Consolidated Plan - Anticipated Resources**

Under Substantial Amendment 2020-#1, the City has updated its Expected Resources to include its 2020 CDBG-CV allocation. The Office of Community Planning and Development at the U.S. Department of Housing and Urban Development (HUD) allocates CDBG, HOME, and ESG funds to the City of Aurora's Community Development Division. On April 6, 2020, the City was notified of its special CDBG-CV formula allocation. This additional amount of CDBG funds was authorized by the CARES Act, with the City's award based upon its 2020 CDBG formula allocation. The funds may only be used as gap filler funding to assist the City's response to the effects of the Coronavirus pandemic. Such community development needs may include but are not limited to the provision of post-COVID-19 recovery emergency assistance to non-profits, small businesses, and low and moderate income residents.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$1,533,450	\$18,124	\$0	\$1,533,450	\$6,133,800	Total amounts to \$ 7,667,250; calculated projection based upon flat level program income and entitlement allocation.
CDBG-CV	Public-federal	<i>Admin and Planning Economic Development Housing Public Services</i>	\$902,078	\$0	\$0	\$0	\$0	Total amounts to \$902,078 and is based upon the City's 2020 formula allocation.
HOME	Public - federal	Acquisition Homebuyer Assistance Homeowner Rehab Multifamily Rental New Construction Multifamily Rental Rehab New Construction for Ownership TBRA	\$737,226	\$0	\$2,203,977	\$2,941,203	\$2,948,904	Total amounts to \$5,614,856; calculated projection based upon flat level program income and entitlement allocation.



***New* 2020-2024 Priority Needs**

Under Substantial Amendment 2020-#1, the City is updating all priority need references in its 2020-2024 Consolidated Plan and 2020 Annual Action Plan to include add a sixth priority need as follows:

Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

Based on data from quantitative and qualitative analysis, the City has identified the following six priority needs: 1) Affordable Housing; 2) Homelessness Prevention; 3) Neighborhood Revitalization that incorporates community improvements, infrastructure, economic development in addition to affordable housing Investments that Affirmatively Further Fair Housing Choice; 4) Capacity Building; 5) Sustainability; and 6) support Coronavirus (COVID-19) and other Infectious disease responses. (2020-2024 Consolidated Plan Executive Summary Update)

Priority Need	Priority Level	Target Populations	Geographic Areas Affected	Associated Goals	Description	Basis for Relative Priority
Support Coronavirus (COVID-19) and Other Infectious Disease Responses	High	Extremely Low-Income Low Income Moderate-Income Large Families Elderly Persons Elderly Persons with Mental Illness Persons with Physical Disabilities Persons with Developmental Disabilities Victims of Domestic Violence	Citywide NRSA	Strengthen the Organizational Capacity of Nonprofit Organizations Strengthen Homeownership Among Low and Moderate-Income Residents Expand the Affordable Housing Stock Foster Small and Local Businesses	Federal and local funds will be used to facilitate assistance to eligible City of Aurora residents, households and businesses economically impacted by COVID-19.	The CDBG-CV allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of the coronavirus public health crisis.



The following Substantial Amendments have been proposed to the City's 2019 and 2020 Annual Action Plan projects and activities:

Project Name	*New Funding* Program Administration (2020 Annual Action Plan)
Target Area	Neighborhood Revitalization Strategy Area Citywide
Goals Supported	Supports all Goals
Needs Addressed	Supports all Priority Needs
Funding	CDBG: \$310,123 CDBG-CV: \$180,415 HOME: \$68,802
Description	Up to 20% of CDBG funds and up to 10% of HOME funds may be spent on planning and administrative activities. The Community Development Division will utilize \$559,340 to contribute towards the administration of its housing and community development programs.

Project Name	*Increased Funding* Small Business Assistance (2018, 2019 and 2020 Annual Action Plans – CDBG-2018-14, 2020-08, CDBG-CV-2020-01) Under this Amendment, the program's original scope of work is now expanded from its microenterprise size requirement of 0-5 employees (including the business owner[s]) to small businesses with no more than 50 employees.
Target Area	Neighborhood Revitalization Strategy Area Low- and Moderate-Income Census Tracts
Goals Supported	Foster Small and Local Business Development
Needs Addressed	Neighborhood Investments that Affirmatively Further Fair Housing Choice Capacity Building Support Coronavirus (COVID-19) and Other Infectious Disease Responses
Funding	\$1,400,000 (CDBG PYs 2018-2020: \$1,100,000; CDBG-CV: \$300,000) This activity will be split into two activities totaling \$700,000 each. The first allocation will be available immediately while the second allocation will be dependent on receipt of funding from the Department of Housing and Urban Development
Description	Under this Amendment, the program's original scope of work is now expanded from its microenterprise size requirement of 0-5 employees (including the business owner[s]) to accommodate businesses with no more than 50 employees. Funding will be provided to small business owners seeking to establish, stabilize, or expand their business activities within the defined NRSA or citywide. Funds will be used to assist (for-profit) businesses by providing up to \$15,000 for businesses with 5 or less employees, and up to \$25,000 for businesses up to 50 employees in the form of a forgivable loan. In developing this project, the City will require an extensive duplication of benefits to review for each business to confirm if multiple programs have been applied for and received to determine gap financing.
Target Date	December 31, 2020
Estimate the number and type of families that will benefit from the proposed activities	Approximately 56-90 LMI Business Owners or LMI jobs created or retained. The activity will provide business development to approximately 56-90 small businesses.



Location Description	Neighborhood Revitalization Strategy Area Low- and Moderate-Income Census Tracts
Planned Activities	Small Business Loan Program through Invest Aurora. Each business will need to provide backup documentation to demonstrate the need of funding as well as a summary of how the funds will be used. In addition to the caps identified based on the number of employees. Businesses will also be required to demonstrate their activities' low and moderate income (LMI benefit via LMI job retention/ creation, LMI business owner, and/or location within the City's Neighborhood Revitalization Strategy Area. City staff plans to release the application on May 1st and is in the process of scheduling a virtual webinar to provide an overview of the application. Additionally, businesses will need to submit a duplication of benefits review to demonstrate if additional funding was received or applied for at the local, state, and federal level. Due to the limited funding and high probability of applications, a lottery of eligible businesses may be considered to streamline the process in awarding funding. Businesses funded via CDBG-CV funds will be required to demonstrate their COVID-19 recovery funding need.

Project Name	*New Project* Non-Profit Public Service Assistance (2020 Annual Action Plan - CDBG-CV-2020-03)
Target Area	Neighborhood Revitalization Strategy Area Citywide
Goals Supported	Public Service Assistance Including the Prevention and Reduction of Homelessness
Needs Addressed	Affordable Housing Homelessness Prevention Support Coronavirus (COVID-19) and Other Infectious Disease Responses
Funding	\$200,000
Description	Funding will be used to assist non-profit agencies in providing basic needs to support activities that relate to their coronavirus and other infectious disease responses. Services may include, but are not limited, to activities to assist senior services, substance abuse, domestic violence survivors, housing legal services, food and shelter, and additional case management opportunities. In developing this project, the City will reach out to its partner agencies (such as, but not limited to its CoCs, FEMA, State, etc.) to ensure that the CDBG-CV funds are solely used as gap funding
Target Date	December 31, 2020
Estimate the number and type of families that will benefit from the proposed activities	TBD
Location Description	Neighborhood Revitalization Strategy Area Citywide
Planned Activities	City staff will release an abbreviated application and plans to hold a virtual meeting to provide a summary of the requirements, timeline, and process for applying in early May (estimated).

Project Name	*New Project* Emergency Shelter and Subsistence Program (2020 Annual Action Plan – CDBG-CV-2020-03)
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Target Area	Citywide
Goals Supported	Public Service Assistance Including the Prevention and Reduction of Homelessness/ CDBG-Assisted Affordable Housing Projects
Needs Addressed	Public Service Assistance Support Coronavirus (COVID-19) and Other Infectious Disease Responses
Funding	\$200,000 (CDBG-CV)
Description	Subsistence payments will be provided to qualifying households directly affected by COVID-19 for homelessness prevention. In developing this project, the City will reach out to its partner agencies (such as, but not limited to its Continuum of Care, FEMA, State, etc.) to ensure that the CDBG-CV funds are solely used as gap funding.
Target Date	December 31, 2020
Estimate the number and type of families that will benefit from the proposed activities	Approximately 75-100 LMI Households
Location Description	TBD
Planned Activities	Additional research and consultation is required by HUD, so official details on the plan are forthcoming. Eligible applicants will need to provide household income documentation and proof of need. Any payments will be made directly to providers with income restrictions, maximum payments, and housing values to be considered as staff works on an application and procedures for distributing funding. Due to the limited funding and high probability of applications, a lottery of eligible households may be considered to streamline the process in awarding funding.

Project Name	*New Project* Emergency Shelter Activities (2020 Annual Action Plan - CDBG-CV - 2020-04)
Target Area	Citywide
Goals Supported	Public Service Assistance Including the Prevention and Reduction of Homelessness
Needs Addressed	Public Service Assistance Support Coronavirus (COVID-19) and Other Infectious Disease Responses
Funding	\$21,663 (CDBG-CV)
Description	In developing this project, the City will reach out to its partner agencies (such as, but not limited to its Continuum of Care, FEMA, State, etc.) to ensure that the CDBG-CV funds are solely used as gap funding. Activities include motel vouchers and other eligible emergency expenses related to shelter activities. City staff will look to partner with non-profit agencies to provide this funding for existing programs.
Target Date	December 31, 2020
Estimate the number and type of families that will benefit from the proposed activities	LMI Residents
Location Description	TBD



Planned Activities	The City plans to partner with non-profit agencies to assist with providing emergency shelter including hotel cost funding to assist residents on the verge of homelessness or residents that may require to be self-isolated due to the COVID-19 pandemic. City staff is seeking additional guidance on best practices for this activity, and then information on the availability of funding will be sent out to seek partners. Funding will be dependent on receipt from the Department of Housing and Urban Development.
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The following funding adjustments will be made to accommodate the above referenced Substantial Amendment 2020-#1 activities under the City's 2019 Annual Action Plan, 2020-2024 Consolidated Plan, and 2020 Annual Action Plan and to also allow the City to expend its funds in a timely manner.

Proposed New or Amended CDBG Activity	Recommended Re/Allocation Amount	CDBG Program Year Funding Source	Original Funding Allocation	Project Reallocation Comments
CDBG-2018-14 – The Standing Together with Aurora Businesses Local Emergency Fund (STABLE Fund)	\$500,000	CDBG-2019-09 – City of Aurora Residential Resurfacing Program	\$500,000	The small business forgivable loan program will provide funding of up to \$15,000 for businesses with 5 or less employees, and up to \$25,000 for businesses with between 6 and 50 employees. The total funding for this program will be \$1,400,000 when combined with previously approved funding (\$200,000). Although the CDBG-CV funds will be used to specifically assist businesses in their COVID-19 recovery efforts, the City has prioritized small business COVID-19 recovery efforts and it is expected that the majority 2018, 2019, and 2020 CDBG funds will be requested by businesses impacted by COVID-19.
CDBG-2019-10 – The Standing Together with Aurora Businesses Local Emergency Fund (STABLE Fund)	\$100,000	CDBG-2019-11 – Hope Wall Special Needs Playground	\$100,000	
CDBG-2020-08 – The Standing Together with Aurora Businesses Local Emergency Fund (STABLE Fund)	\$300,000	CDBG-2020-11 – City of Aurora Residential Resurfacing Program	\$300,000	
CDBG-2020-CV-01 – The Standing Together with Aurora Businesses Local Emergency Fund (STABLE Fund)	\$300,000	CDBG-CV-01	N/A	
CDBG-2020-CV-02 Non Profit Public Service Activities	\$200,000	CDBG-CV	N/A	Additional non-profit public service dollars will address basic needs for residents. City staff will solicit funding proposals from its non-profit agencies over the next several weeks to determine eligible projects supporting COVID-19 activities. Funds



				will be awarded to agencies who are able to demonstrate the capacity to administer the CDBG funds and its reporting requirements as well as a clear need for COVID-19 assistance.
CDBG-2020-CV-03 Emergency Shelter and Subsistence Program	\$200,000	CDBG-CV	N/A	Pending additional research and consultation with HUD, subsistence payment emergency assistance will be provided to residents directly impacted by COVID-19.
CDBG-2020-CV-04 Emergency Shelter Activities	\$21,663	CDBG-CV	N/A	Activities include motel vouchers and other eligible emergency expenses related to shelter activities for residents impacted by COVID-19. City staff will look to partner with non-profit agencies to provide this funding to augment their existing programs.
CDBG-CV Program Administration	\$180,415	CDBG-CV	N/A	Up to 20% of CDBG-CV funds can be used towards administration such as salaries, benefits, trainings, and other operating expenses. City staff will monitor its expenditures for the remainder of 2020. Any remaining funding will be allocated to a new activity.
Estimated Allocation / Reallocation Total	\$1,802,078			

Amendment to Citizen Participation Plan

Additionally, under this Substantial Amendment, the City is proposing changes to its Citizen Participation Plan (Attachment1) which was previously adopted on September 14, 2010 and revised on August 13, 2019. The City's proposed amendment to its Citizen Participation Plan reflects adjustments to the public



participation process as per the receipt of HUD's waivers and regulatory guidance. In response to the urgency of the COVID-19 pandemic, the Department of Housing and Urban Development released a series of waivers to streamline the approval process while also providing opportunities for the public to submit comments.

Specifically, to expedite actions to respond to COVID-19, per 24 CFR 5.110, HUD waived the Consolidated Plan requirements of 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.

The following milestone dates together with the City's desire to disburse CDBG funds as quickly as possible to support the City's COVID-19 community and economic development recovery efforts contributed to the City's effort to amend its Citizen Participation Plan:

March 13, 2020: President Trump declared the ongoing Coronavirus Disease 2019 (COVID-19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act")

March 16, 2020: Mayor Irvin issued an Emergency Declaration in the City of Aurora which implemented several social distancing measures due to COVID-19 including the closure of City Hall to the public and limiting the City's public meeting forum to a virtual format only

March 21, 2020: Governor Pritzker issued a statewide Stay-At-Home Order through April 7, 2020

March 27, 2020: President Trump approved the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). The CARES Act made available \$5 billion in CDBG coronavirus response (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus

March 31, 2020: Governor Pritzker extended the Stay-At-Home Order through April 30, 2020

April 1, 2020: Mayor Irvin extended the City's Emergency Declaration through May 15, 2020 with an option to be withdrawn earlier if the emergency no longer exists.

April 6, 2020: City received HUD's notification of its CDBG-CV allocation (\$902,078)

April 9, 2020: HUD issued its Memorandum regarding the *CARES Act' Flexibilities for CDBG Funds Used to Support Coronavirus Response and Plan Amendment Waiver* (Attachment 2)

April 15, 2020: The City notified its HUD Field Office of the City's intent to utilize the following HUD issued citizen participation waivers (Attachment 3):

1. Consolidated Planning Requirements – HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Public Comment Period for Consolidated Plan Amendment
2. Consolidated Planning Requirements – HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Reasonable Notice and Opportunity to Comment



April 17, 2020: Public hearing notice for Substantial Amendment 2020-#1 published in *Reflejos* and posted on the City's website, www.aurora-il.org/1175/Neighborhood-Redevelopment

April 19, 2020: Public hearing notice for Substantial Amendment 2020-#1 published in *The Beacon News*

April 23, 2020: Substantial Amendment 2020-#1 Public Comment Period Opens

April 24, 2020: Substantial Amendment 2020-#1 Virtual Public Hearing at 4:00 p.m.

April 27, 2020: Substantial Amendment 2020-#1 Public Comment Period closes at 5:00 p.m.

April 28, 2020: Substantial Amendment 2020-#1 City Council Review and Approval

April 29, 2020 (tentative): Substantial Amendment 2020-#1 submitted to HUD

May 1, 2020 (tentative): The City's goal is to begin implementation of its CDBG funded COVID-19 response economic development and non-profit assistance programs on or around May 1, 2020, with its emergency shelter and subsistence assistance programs to begin shortly thereafter.

Public Notice, Comments, and City of Aurora Responses

In light of existing COVID-19 social distancing and public health concerns, the CDD provided reasonable notice to its citizens in the following ways:

- A. Public hearing notices for Substantial Amendment 2020-#1 were published in *The Beacon News* and *Reflejos* on April 19, 2020 (Attachment 4) as well as online at www.aurora-il.org/1175/Neighborhood-Redevelopment. The notices also established the 5-day public comment period of April 23, 2020 to April 27, 2020 and advised the public to contact the CDD for translation accommodations.
- B. Substantial Amendment 2020-#1 was made available online at www.aurora-il.org/1175/Neighborhood-Redevelopment for public viewing on April 23, 2020.
- C. In keeping with the City's current meeting requirements in response to social distancing and public healthy safety measures, a virtual public hearing was scheduled for April 24, 2020, 4:00 p.m. The public was invited to join via <https://zoom.us/j/91760027436> with a request to submit public comments via telephone at (312) 626 6799, Meeting ID: 917 6002 7436

Following the close of the public comment period and receipt of City Council approval (anticipated April 28, 2020), all of the above referenced Consolidated Plan/Annual Action Plan activities and re/allocations will be formally submitted to HUD for approval (via the applicable narrative and tables within their respective reports: Executive Summary, PR-15, PR-10, AP-12, AP-15, AP-20, AP-38, AP-55).

Comments received and the City's response(s) to date are attached (Attachment 5). Any additional comments and the City's response(s) will be included in the City's report submittals to HUD upon conclusion of the HUD-required five (5) day public comment period.



This document serves as the City's Substantial Amendment submittal to the HUD for the following federal resources:

The Community Development Block Grant (CDBG) Program is Aurora's most flexible funding resource and can be used for housing and non-housing activities, including those that revitalize neighborhoods, promote economic development, improve community facilities/infrastructure, and provide public services, all of which must benefit the City's low and moderate income residents. The CDD anticipates receiving approximately \$1.5 million each year.

The Community Development Block Grant Coronavirus (CDBG-CV) Program is a special PY 2020 allocation which was authorized by the CARES Act, Public Law 116-136 to respond to the Coronavirus pandemic crisis. The City will use these funds to provide gap funding assistance to its residents, businesses, and non-profit agencies to further prevent, prepare for, and respond to the Coronavirus. Should additional funds be made available, the City will allocate these funds via its Substantial Amendment process.



**CITY OF AURORA
COMMUNITY DEVELOPMENT DIVISION
CITIZEN PARTICIPATION PLAN**

Adopted September 14, 2010

Amended August 13, 2019

Proposed Amendment April 28, 2020 (All proposed revisions are tracked.)

INTRODUCTION

The City of Aurora is committed to providing citizens and other interested parties with opportunities to participate in an advisory role in the planning, implementation and evaluation of the City's Community Development Block Grant (CDBG), [Community Development Block Grant COVID-19 \(CDBG-CV\)](#), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), ~~and~~ Section 108 Programs, and any other U.S. Department of Housing and Urban Development (HUD) funding programs. The primary purpose of these programs is to create viable communities by providing decent housing, a suitable living environment and expanding economic opportunities principally for low- and moderate-income people. The Aurora City Council takes final action regarding these [HUD](#) grant programs (~~currently~~ including, but not limited to the Community Development Block Grant Program, [Community Development Block Grant Program-CV](#), the HOME Investment Partnerships Program, the Emergency ~~Solutions Shelter~~ Grant Program, and the Section 108 Program), but it is the Community Development Division (CDD) that establishes and implements policies relating to the use of these funds and recommends action to City Council.

As the administrator of these funds for the City of Aurora, the CDD presents this Citizen Participation Plan to outline the process that will be followed. A complete copy of the regulatory citations can be found in Appendix Item 1.

The Citizen Participation Plan is designed especially to encourage participation by low and moderate income persons, particularly:

- Low and moderate income persons
- Residents of slums, blighted areas, and low and moderate income neighborhoods
- Non-English speaking persons
- Those living in areas where federal funds are proposed to be used
- Persons with disabilities and other special populations
- Residents of public and assisted housing developments
- Residents of targeted revitalization areas in which the developments are located

The following stakeholders, to the greatest extent feasible, will also be encouraged to participate:

- For-profit and non-profit developers and agencies
- Neighborhood associations
- Community development organizations
- City departments who manage flood control, public land, and water resources
- Housing Authorities

- Kane County Continuum of Care
- Fox Valley Park District
- Workforce and economic development agencies
- Chambers of Commerce
- Foundations
- Organizations engaged in narrowing the digital divide
- Emergency management agencies
- Agencies working to reduce lead based paint hazards
- Other agencies as deemed appropriate

PROGRAM YEAR

[The City of Aurora](#)'s program year begins January 1st and ends December 31st.

PUBLIC PARTICIPATION IN THE DEVELOPMENT OF PLANS AND REPORTS

The City of Aurora encourages participation at all stages of the process. [The City's public participation process is structured according to HUD's regulatory requirements.](#) -This includes citizen involvement to identify needs; set priorities among these needs; decide how much in funding should be allocated to each high-priority need; suggest the types of programs to meet high-priority needs; and oversee the way in which programs are carried out. -The law particularly requires that this CPP both provide for and encourage public participation in the development of the following documents:

1. Consolidated Plan (Con Plan) and substantial amendments to the Con Plan
2. Annual Action Plan (AAP) and substantial amendments to the AAP
3. Consolidated Annual Performance and Evaluation Report (CAPER)

PLAN AMENDMENTS

In the course of administering federally-funded programs, the City may need to amend the *Consolidated Plan* or an *Annual Action Plan*. All minor and substantial amendments will be subject to the more stringent of the City's or HUD's program requirements, including, but not limited to, funding approval. When the amendment is considered substantial and meets the criteria set forth below, the change will be considered a substantial amendment and the City will undertake additional actions to ensure citizens have an opportunity to comment. Records of all amendments will be maintained by the City for public review and will be fully described in the annual performance report submitted to HUD.

Criteria for Amendments

[Unless HUD grants waivers and alternative requirements to its program requirements, aA substantial amendment ~~that~~ will require a public hearing and a ~~30-30~~-day public comment period in the following circumstances below. - In instances \(e.g. federal, State, and/or local emergency declarations\) where HUD waivers are granted to expedite the City's disbursement of any current and/or new funds to existing and new program activities, the City will ensure that it meets the minimum public notice, hearing, and comment period as permitted by the respective HUD](#)

[waiver](#). Substantial amendments will still be reflected in Integrated Disbursement and Information System (IDIS), reported to HUD accordingly, and approved by City Council where required.

A **substantial** amendment will be undertaken in the following circumstances:

- A change in the City's allocation priorities, including establishing new activities [and/or funding allocation\(s\)](#)
- A change in the use of federal funds from one eligible activity to another in excess of 25% of a single activity budget
- A new activity or program not previously described in the Annual Action [Plan](#) or Con Plan

A **minor** amendment that will not require a public hearing or public comment period will be undertaken in the following circumstances below. Minor amendments will still be reflected in IDIS, reported to HUD accordingly, and approved by City Council where required.

- A change in the method of distribution of funds
- Carrying out an approved activity using funds from any program covered by the Consolidated Plan (including program income) not previously described in the Action Plan
- A change in the purpose, scope, location, or beneficiaries of an approved activity
- An increase, or decrease of funds for a previously approved activity that does not exceed 25% of the total budget of the project
- An increase or decrease of funding for an approved activity that is no more than 10% of the City's total annual grant allocation (sum of CDBG, [CDBG-CV](#), HOME, ESG, and other related HUD funding)
- A cancellation of a previously approved activity due to unforeseen circumstances that have caused significant delays or unreasonable cost burdens
- [The reallocation of funds not expended after an activity is completed as approved to a previously approved activity](#)
- [A sub-allocation of funds to an agency\(ies\) under a generalized project that received prior approval via HUD's citizen participation process \(e.g. non-profit basic service activity to address federal/State/local emergency\), but requires a separate call for applications. Under this specific minor amendment criterion, it is understood that although HUD's citizen participation process will not be required, the selected agency\(ies\) and their funding award will require City Council approval.](#)

ANNUAL ACTION PLAN AND 5-YEAR CON PLAN APPROVAL PROCESS

Public Notice and Publication

In the case of a proposed substantial amendment, the City will publish a public notice in the Beacon News describing the project and the amount to be spent; establishing a 30-day public comment period, unless [instruction is alternative requirements are](#) provided by HUD ~~that which~~ [allow](#)s a shorter public comment period; and the date, time, and location for public hearing. The public comment period will be scheduled to end any time before the plan is approved by

City Council. The public hearing will occur at least 10 days prior to the City Council meeting at which the plan is slated for adoption.

The public notice will list the locations where copies of the proposed amendment may be examined. These locations include all branches of the Aurora Public Library and the Community Development Division office. The amendment will be posted on the City's website, www.aurora-il.org.

The City will publish each plan in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and submit comments.

Public Hearing

The City will hold at least one public hearing during the development of the ***Consolidated Plan*** and ***Annual Action Plan*** to gather input from citizens and respond to proposals and questions.

In a year in which the ***Consolidated Plan*** is being developed, an additional public hearing will be held before the proposed ***Consolidated Plan*** is published for comment.

The hearing(s) will address housing and community development needs, development of proposed activities, and review of program performance. ~~All~~ Unless there are public health safety concerns and virtual public hearings are required by the City and authorized by HUD, public hearings will be held at Aurora City Hall, 44 E. Downer Place, Aurora, IL 60507 on the date, ~~and~~ time and room location included on the particular public notice.

Upon request, the City will provide reasonable accommodations to meet the needs of non-English speaking residents. The City will also take whatever actions are appropriate to serve the needs of persons with disabilities.

Public Comments

The City of Aurora will provide a period of at least 30 days to receive comments from citizens and other stakeholders on each proposed plan, unless instruction is provided by HUD that allows a shorter public comment period. The City will consider any comments or views of citizens and other stakeholders received in writing, by email, or orally at public hearings, in preparing the final adopted plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons for not accepting the latter, shall be attached to the final adopted plan.

PERFORMANCE REPORT APPROVAL PROCESS

Each year the City of Aurora must submit a ***Consolidated Annual Performance and Evaluation Report*** (CAPER) to HUD. The report is due 90 days after the close of the program year. To ensure public participation in the review of the CAPER, the City will issue public notices, hold a

public hearing, and accept public comments. This report does not require City Council approval and may be presented as an informational item.

Public Notice and Publication

The City will publish a public notice in the Beacon News announcing the availability of the CAPER and establishing a 15-day public comment period. The public comment period will be scheduled to end any time before the plan is submitted to HUD. The public notice will include a date, time and location for a public hearing which shall be held before or during the 15-day public comment period. A summary of all comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the final CAPER before submittal to HUD.

The public notice will list the locations where copies of the CAPER may be examined. These locations include all branches of the Aurora Public Library and the Community Development Division office. The CAPER will be posted on the City's website, www.aurora-il.org.

Public Hearing

The City will hold a public hearing to gather input from citizens, answer questions, address housing and community development needs, and review program performance.

Unless there are public health safety concerns and virtual public hearings are required by the City and authorized by HUD. All public hearings will be held at the Aurora City Hall, 44 E. Downer Place, Aurora, IL 60507 on the date, ~~and~~ time, and room location stated on the particular public notice.

Upon request, the City will provide for translation services to meet the needs of non-English speaking residents. The City will also take whatever actions are appropriate to serve the needs of persons with disabilities.

Public Comments

The City will provide a period of at least 15 days to receive comments on the CAPER before the report is submitted to HUD. The City will consider any comments or views of citizens and other stakeholders received in writing, or orally at public hearings, if any, in preparing the CAPER. The City will attach a summary of these comments and the City's response to the final CAPER.

ACCESS TO INFORMATION AND RECORDS

Access to Records. In accordance with the Illinois Freedom of Information Act ("FOIA"), all non-exempt records are subject to disclosure in response to a FOIA request. ~~Any~~ Any person wishing to view the records associated with the CDBG, CDBG-CV, HOME, or ESG programs may submit a FOIA request to the City requesting copies of such records.

In addition to providing opportunities for citizen participation in the development of plans and

review of the performance report, the City must provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the ***Consolidated Plan*** and the use of federal funds. The City will provide access to records for the current program year and preceding five program years. These records include, but are not limited to, the ***Citizen Participation Plan***, the ***Consolidated Plan*** as adopted, annual action plans, performance reports, and substantial amendments. The City will make these records available in a form accessible to persons with disabilities, upon request. Records are maintained in the offices of the Community Development Division.

The City will also provide citizens with reasonable and timely access to local meetings held in regard to the ***Consolidated Plan*** and the activities undertaken as part of the ***Consolidated Plan***.

SPECIAL PARTICIPATION ACTIVITIES

The following are special methods used to obtain the views of citizens and organizations with a stake in the activities of the City.

Consultations with Representative Groups

The CDD encourages organizations involved in meeting housing and community development needs throughout the city limits to arrange for special consultation meetings with the CDD. The purpose of these meetings is to obtain information on specific issues.

Special Public Participation in Neighborhood Revitalization Strategy Area Plans

For neighborhood based projects, the CDD encourages a comprehensive approach to responding to local concerns. Projects and programs in these areas can be given higher priority as long as the activity is eligible under HUD regulations and funding is available.

Technical Assistance

The City is required to provide technical assistance to groups representative of persons of low and moderate income levels that request such assistance to develop proposals for funding assistance under any of the programs covered by the ***Consolidated Plan***, with the level and type of assistance determined by the City. The assistance need not include the provision of funds to the groups. To request assistance, contact the Community Development Division at 630-256-3320.

RESPONSES TO COMMENTS AND COMPLAINTS

Responses to Comments

It is the policy of the CDD that all comments received during public hearings, designated comment periods, and consultations directed to the Consolidated Plan, Annual Action Plan, or the Consolidated Annual Performance Evaluation Report shall be responded to in writing within the respective Plan, Report or Amendment. Comments will be summarized in the respective Plan, Report or Amendment followed by responses provided by the CDD within 15 days from the date the public comment was submitted.

All comments received during public hearings held for specific proposed activities shall be summarized in the respective Plan, Report, or Amendment and responses will be provided in writing by the CDD. Likewise, comments received during the Environmental Review Record (ERR) process shall be summarized in the ERR and responses will be provided in writing by the CDD.

Responses to Complaints

All written complaints regarding the Annual Action Plan, Consolidated Plan, CAPER, or individual activities undertaken by the City of Aurora's CDBG, [CDBG-CV](#), HOME, ESG, and Section 108 Programs shall be provided a written response. It is the policy of the CDD to provide a response within 15 working days of receipt of the complaint or prior to submission for approval, whichever is sooner if no further deliberation is required. If the complaint involves a policy issue that requires deliberation of one or more policy groups, the individual or organization submitting the complaint shall be notified of this fact within 15 days. The issue will be brought to the attention of the appropriate policy group at the next available meeting, and a response will be developed after their consideration.

If There Are Any Comments or Questions

To submit questions, comments, and complaints about the Citizen Participation Plan, or to request information about the City's CDBG, [CDBG-CV](#), HOME, ESG, or Section 108 programs, write to the City of Aurora – Attention: Community Development Division, City Hall, Fourth Floor, 44 E. Downer Place, Aurora, IL 60507 or call (630) 256-3320. Email communication can be sent to dnr@aurora-il.org.

DISPLACEMENT

The City must set forth plans to minimize displacement of persons and to assist any person displaced, specifying the types and levels of assistance the City will make available (or require others to make available) to persons displaced, even if the City expects no displacements to occur. Displacement occurs when an individual, family, partnership, association, corporation, or organization moves from their home, business, or farm, or moves their personal property as a direct result of a federally-funded acquisition, demolition, or rehabilitation. Generally, displacement does not include persons displaced temporarily from their dwelling for less than 12 months while it is being rehabilitated. Displaced persons and entities are eligible for relocation assistance under federal law. (Uniform Relocation Act of 1970)

As part of this plan, the City is required to describe its plans to minimize displacement of persons and to specify types and levels of assistance the City will make available to persons who are displaced. To minimize displacement, the City will not acquire or demolish occupied structures unless the structure is owner occupied and a voluntary acquisition takes place. When displacement is unavoidable, the City will offer the following types of assistance:

For residential displacements:

- Provide relocation advisory services to displaced tenants and owner occupants
- Provide a minimum of 90 days written notice to vacate prior to possession
- Provide reimbursement for moving expenses

- Provide payments for the added cost of renting or purchasing comparable replacement housing

For nonresidential displacements (businesses and nonprofit organizations):

- Provide relocation advisory services
- Provide a minimum 90 days written notice to vacate prior to possession
- Provide reimbursement for moving and re-establishment expenses
- Provide payments for the added cost of renting or purchasing comparable commercial space

BLOCK GRANT WORKING COMMITTEE

The Block Grant Working Committee is an advisory body that was created to provide additional input from Aurora citizens regarding the use of federal funds.

The Block Grant Working Committee is comprised of one representative from each City ward and three members-at-large. The members serve two-year terms with no limit on the number of terms any member can serve. The starting date of each member's term coincides with the term of his/her respective Alderman.

Appointment to the Block Grant Working Committee is by recommendation of each Alderman to the Mayor. The Mayor recommends an additional at-large member. All recommendations are approved by the City Council.

The Block Grant Working Committee meets monthly with staff of the Community Development Division and attends public hearings related to the City's *Consolidated Plan, Annual Action Plans, Substantial Amendments*, and the *Comprehensive Annual Performance Evaluation Report*.

CONTACT INFORMATION

The City of Aurora's Community Development Division is the point of contact for all questions, comments, complaints, and requests for technical assistance. Contact information is:

City of Aurora Community Development Division
City Hall
Fourth Floor
44 E. Downer Place
Aurora, IL 60507
630-256-3320
dnr@aurora-il.org

local jurisdiction may use CDBG funds for eligible activities or other funds to implement remedies required under a Section 504 Voluntary Compliance Agreement.

[60 FR 1896, Jan. 5, 1995, as amended at 71 FR 6962, Feb. 9, 2006]

§ 91.105 Citizen participation plan; local governments.

(a) *Applicability and adoption of the citizen participation plan.* (1) The jurisdiction is required to adopt a citizen participation plan that sets forth the jurisdiction's policies and procedures for citizen participation. (Where a jurisdiction, before February 6, 1995, adopted a citizen participation plan that complies with section 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(A)(3)) but will need to amend the citizen participation plan to comply with provisions of this section, the citizen participation plan shall be amended by the first day of the jurisdiction's program year that begins on or after 180 days following February 6, 1995.)

(2) *Encouragement of citizen participation.* (i) The citizen participation plan must provide for and encourage citizens to participate in the development of the consolidated plan, any substantial amendments to the consolidated plan, and the performance report.

(ii) These requirements are designed especially to encourage participation by low- and moderate-income persons, particularly those living in slum and blighted areas and in areas where CDBG funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods, as defined by the jurisdiction. A jurisdiction also is expected to take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities. The jurisdiction shall encourage the participation of local and regional institutions and other organizations (including businesses, developers, and community and faith-based organizations) in the process of developing and implementing the consolidated plan. The jurisdiction should also explore alternative public involvement techniques and quantitative ways

to measure efforts that encourage citizen participation in a shared vision for change in communities and neighborhoods, and the review of program performance, e.g., use of focus groups, and use of the Internet.

(iii) The jurisdiction shall encourage, in conjunction with consultation with public housing agencies, the participation of residents of public and assisted housing developments, in the process of developing and implementing the consolidated plan, along with other low-income residents of targeted revitalization areas in which the developments are located. The jurisdiction shall make an effort to provide information to the public housing agency about consolidated plan activities related to its developments and surrounding communities so that the public housing agency can make this information available at the annual public hearing required for the PHA Plan.

(3) *Citizen comment on the citizen participation plan and amendments.* The jurisdiction must provide citizens with a reasonable opportunity to comment on the original citizen participation plan and on substantial amendments to the citizen participation plan, and must make the citizen participation plan public. The citizen participation plan must be in a format accessible to persons with disabilities, upon request.

(b) *Development of the consolidated plan.* The citizen participation plan must include the following minimum requirements for the development of the consolidated plan.

(1) The citizen participation plan must require that, before the jurisdiction adopts a consolidated plan, the jurisdiction will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income. The citizen participation plan also must set forth the jurisdiction's plans to minimize displacement of persons and to assist any persons displaced, specifying the types and levels of assistance the jurisdiction will make available (or require others

to make available) to persons displaced, even if the jurisdiction expects no displacement to occur. The citizen participation plan must state when and how the jurisdiction will make this information available.

(2) The citizen participation plan must require the jurisdiction to publish the proposed consolidated plan in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments. The citizen participation plan must set forth how the jurisdiction will publish the proposed consolidated plan and give reasonable opportunity to examine the contents of the proposed consolidated plan. The requirement for publishing may be met by publishing a summary of the proposed consolidated plan in one or more newspapers of general circulation, and by making copies of the proposed consolidated plan available at libraries, government offices, and public places. The summary must describe the contents and purpose of the consolidated plan, and must include a list of the locations where copies of the entire proposed consolidated plan may be examined. In addition, the jurisdiction must provide a reasonable number of free copies of the plan to citizens and groups that request it.

(3) The citizen participation plan must provide for at least one public hearing during the development of the consolidated plan. See paragraph (e) of this section for public hearing requirements, generally.

(4) The citizen participation plan must provide a period, not less than 30 days, to receive comments from citizens on the consolidated plan.

(5) The citizen participation plan shall require the jurisdiction to consider any comments or views of citizens received in writing, or orally at the public hearings, in preparing the final consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan.

(c) *Amendments*—(1) *Criteria for amendment to consolidated plan.* The citizen participation plan must specify the criteria the jurisdiction will use for

determining what changes in the jurisdiction's planned or actual activities constitute a substantial amendment to the consolidated plan. (See §91.505.) It must include among the criteria for a substantial amendment changes in the use of CDBG funds from one eligible activity to another.

(2) The citizen participation plan must provide citizens with reasonable notice and an opportunity to comment on substantial amendments. The citizen participation plan must state how reasonable notice and an opportunity to comment will be given. The citizen participation plan must provide a period, not less than 30 days, to receive comments on the substantial amendment before the amendment is implemented.

(3) The citizen participation plan shall require the jurisdiction to consider any comments or views of citizens received in writing, or orally at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the substantial amendment of the consolidated plan.

(d) *Performance reports.* (1) The citizen participation plan must provide citizens with reasonable notice and an opportunity to comment on performance reports. The citizen participation plan must state how reasonable notice and an opportunity to comment will be given. The citizen participation plan must provide a period, not less than 15 days, to receive comments on the performance report that is to be submitted to HUD before its submission.

(2) The citizen participation plan shall require the jurisdiction to consider any comments or views of citizens received in writing, or orally at public hearings in preparing the performance report. A summary of these comments or views shall be attached to the performance report.

(e) *Public hearings.* (1) The citizen participation plan must provide for at least two public hearings per year to obtain citizens' views and to respond to proposals and questions, to be conducted at a minimum of two different stages of the program year. Together,

the hearings must address housing and community development needs, development of proposed activities, and review of program performance. To obtain the views of citizens on housing and community development needs, including priority nonhousing community development needs, the citizen participation plan must provide that at least one of these hearings is held before the proposed consolidated plan is published for comment.

(2) The citizen participation plan must state how and when adequate advance notice will be given to citizens of each hearing, with sufficient information published about the subject of the hearing to permit informed comment. (Publishing small print notices in the newspaper a few days before the hearing does not constitute adequate notice. Although HUD is not specifying the length of notice required, it would consider two weeks adequate.)

(3) The citizen participation plan must provide that hearings be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for persons with disabilities. The citizen participation plan must specify how it will meet these requirements.

(4) The citizen participation plan must identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

(f) *Meetings.* The citizen participation plan must provide citizens with reasonable and timely access to local meetings.

(g) *Availability to the public.* The citizen participation plan must provide that the consolidated plan as adopted, substantial amendments, and the performance report will be available to the public, including the availability of materials in a form accessible to persons with disabilities, upon request. The citizen participation plan must state how these documents will be available to the public.

(h) *Access to records.* The citizen participation plan must require the jurisdiction to provide citizens, public agencies, and other interested parties with reasonable and timely access to infor-

mation and records relating to the jurisdiction's consolidated plan and the jurisdiction's use of assistance under the programs covered by this part during the preceding five years.

(i) *Technical assistance.* The citizen participation plan must provide for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under any of the programs covered by the consolidated plan, with the level and type of assistance determined by the jurisdiction. The assistance need not include the provision of funds to the groups.

(j) *Complaints.* The citizen participation plan shall describe the jurisdiction's appropriate and practicable procedures to handle complaints from citizens related to the consolidated plan, amendments, and performance report. At a minimum, the citizen participation plan shall require that the jurisdiction must provide a timely, substantive written response to every written citizen complaint, within an established period of time (within 15 working days, where practicable, if the jurisdiction is a CDBG grant recipient).

(k) *Use of citizen participation plan.* The jurisdiction must follow its citizen participation plan.

(l) *Jurisdiction responsibility.* The requirements for citizen participation do not restrict the responsibility or authority of the jurisdiction for the development and execution of its consolidated plan.

(Approved by the Office of Management and Budget under control number 2506-0117)

[60 FR 1896, Jan. 5, 1995; 60 FR 10427, Feb. 24, 1995, as amended at 71 FR 6962, Feb. 9, 2006]

§91.110 Consultation; states.


When preparing the consolidated plan, the state shall consult with other public and private agencies that provide assisted housing (including any state housing agency administering public housing), health services, and social and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, and homeless persons) during preparation of the consolidated plan. When preparing the portion of the



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

MEMORADUM FOR: All Community Planning and Development Field Office Directors,
Deputy Directors and Program Managers

FROM:  Digitally signed
by JOHN GIBBS
Date: 2020.03.31
17:43:00 -04'00' John Gibbs, Assistant Secretary, Acting, D

SUBJECT: Availability of Waivers of Community Planning and Development
(CPD) Grant Program and Consolidated Plan Requirements to
Prevent the Spread of COVID-19 and Mitigate Economic Impacts
Caused by COVID-19

PURPOSE

This memorandum explains the availability of waivers of certain regulatory requirements associated with several CPD grant programs to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19. This memorandum covers waivers of consolidated plan requirements for all CPD formula programs and program-specific waivers for the following CPD programs:

- Housing Opportunities for Persons with AIDS (HOPWA);
- Emergency Solutions Grant (ESG); and
- Continuum of Care (CoC).

This memorandum also announces a simplified notification process for recipients of these programs to use this waiver flexibility to expedite the delivery of assistance. CPD Field Office Directors, Deputy Directors, and Program Managers are instructed to inform CPD recipients operating within their jurisdictions of the content of this memorandum.

NOTIFICATION PROCESS

Recipients may use the waivers described in this memorandum to assist affected CPD program beneficiaries and CPD program eligible households to prevent the spread of COVID-19 and to mitigate against the economic impact caused by COVID-19 for eligible households. To use the waiver flexibility provided in this memorandum, the recipient must provide notification in writing, either through mail or e-mail, to the CPD Director of the HUD Field Office serving its jurisdiction no less than two days before the recipient anticipates using the waiver flexibility. Further directions on notifying HUD can be found in Attachment #1.

WAIVER AUTHORITY

In December 2019, a new coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-

19 that has now spread globally. The first case was reported in the United States in January 2020. In March 2020, the World Health Organization declared the coronavirus outbreak a pandemic and President Trump declared the outbreak a national emergency. During this time, the majority of states have declared states of emergency with most shutting down large gathering places and limiting the movement of their residents. As a consequence, many CPD recipients are facing challenges in ensuring appropriate shelter options are available for program participants who need to be separated from others because they are exhibiting symptoms, training staff on how to safely work with program participants and prevent spreading the virus, obtaining supplies to prevent the spread of the virus, and maintaining necessary staffing levels during the outbreak. Further, many program participants are suffering economic consequences from the mass shutdown of businesses and lack of availability of traditional mainstream benefits. A number of recipients have inquired about the availability of waivers of various CPD program requirements to facilitate assistance to program participants and prevent the spread of the virus.

In accordance with 24 CFR 5.110, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. Additional regulatory waiver authority is provided in 24 CFR 91.600. These regulatory provisions provide HUD the authority to make waiver determinations for the ESG, CoC, and HOPWA Programs and consolidated planning requirements for all CPD formula programs.

WAIVER AVAILABILITY

To provide additional flexibility to communities to prevent the spread of COVID-19 and better assist individuals and families, including those experiencing homelessness infected with the virus or economically impacted by the virus, I hereby find good cause to provide the regulatory waivers below. To use each waiver, each recipient must follow the notification process described above and update its program records to include written documentation of the specific conditions that justify the recipient's use of the waiver, consistent with the justifications and applicability provisions below. Provisions that are not specifically waived remain in full effect.

CONTINUUM OF CARE PROGRAM

1. Fair Market Rent for Individual Units and Leasing Costs

Requirement:	Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR).
Citation:	24 CFR 578.49(b)(2)
Explanation:	The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.
Justification:	Waiving the limit on using grant leasing funds to pay above FMR for individual units above FMR, but not greater than the reasonable rent will

assist recipients in locating additional units to house individuals and families experiencing homelessness and reduce the spread and harm of COVID-19.

Applicability: The FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing during the 6-month period beginning on the date of this memorandum. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2).

2. Disability Documentation for Permanent Supportive Housing (PSH)

Requirement: A recipient providing PSH must serve individual and families where one member of the household has a qualifying disability (for dedicated projects and DedicatedPlus projects that individual must be the head of household). Further, the recipient must document a qualifying disability of one of the household members. When documentation of disability is the intake worker's observation, the regulation requires the recipient to obtain additional confirming evidence within 45 days.

Citation: 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)

Explanation: 24 CFR 578.103(a) requires recipients to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the "chronically homeless" definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability that, no later than 45 days from the application for assistance, is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence.

Justification: Waiving 24 CFR 578.103(a)(4)(i)(B)(4) as specified below will allow recipients to house people by relying on intake staff-recorded observation of disability while providing recipients' intake staff with additional time to confirm the disability. This will help households with observed disabilities to be housed quickly and obtain the necessary documentation once healthcare workers are no longer inundated by COVID-19 responses.

Applicability: The requirement that intake staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance documentation requirement is waived for any program participants admitted into PSH funded by the CoC Program for the 6-month period beginning on the date of this memorandum.

Note: For the purposes of individuals and families housed in PSH from the date of

this memorandum until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19, a written certification by the individual seeking assistance that they have a qualifying disability is considered acceptable documentation approved by HUD under 24 CFR 578.103(a)(4)(i)(B)(5).

3. Limit on Eligible Housing Search and Counseling Services

- Requirement:** With respect to program participant's debts, 24 CFR 578.53(ed)(8)(ii)(B) only allows the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. 24 CFR 578.53(d) limits the use of CoC Program funds for providing services to only those costs listed in the interim rule.
- Citation:** 24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)
- Explanation:** 24 CFR 578.53(e)(8) allows recipients and subrecipients to use CoC funds to pay for housing search and counseling services to help eligible program participants locate, obtain, and retain suitable housing. For program participants whose debt problems make it difficult to obtain housing, 24 CFR 578.53(e)(8)(ii)(B) makes eligible the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. However, payment of rental or utility arrears is not included as an eligible cost. 24 CFR 578.53(d) limits eligible supportive service costs to those explicitly listed in 24 CFR 578.53(e), which is a more limited list than is eligible under the McKinney-Vento Act.
- Justification:** Waiving the limitation of housing search and counseling eligible activities to allow recipients and subrecipients to pay for up to 6 months of rental arrears and 6 months of utility arrears will help recipients and subrecipients remove barriers to obtaining housing quickly and help reduce the spread and harm of COVID-19.
- Applicability:** The limitation on eligible housing search and counseling activities is waived so that CoC Program funds may be used for up to 6 months of a program participant's utility arrears and up to 6 months of program participant's rent arrears, when those arrears make it difficult to obtain housing. This waiver is in effect one-year beginning on the date of this memorandum.

4. Permanent Housing-Rapid Re-housing Monthly Case Management

- Requirement:** Recipients must require program participants of permanent housing – rapid re-housing projects to meet with a case manager at least monthly.
- Citation:** 24 CFR 578.37(a)(1)(ii)(F)

- Explanation:** The CoC Program interim rule at 24 CFR 578.37(a)(1)(ii)(F) requires program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability. The project is exempt from this requirement already if the Violence Against Women Act of 1994 (42 U.S.C. 13925 *et seq.*) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 *et seq.*) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services.
- Justification:** Recipients are reporting limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as-needed basis and reduce the possible spread and harm of COVID-19.
- Applicability:** This requirement in 24 CFR 578.37(a)(1)(ii)(F) that projects require program participants to meet with case managers not less than once per month is waived for all permanent housing- rapid re-housing projects for two months beginning on the date of this memorandum.

5. Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

- Requirement:** Recipients are required to physically inspect any unit supported with leasing or rental assistance funds to assure that the unit meets housing quality standards (HQS) before any assistance will be provided on behalf of a program participant.
- Citation:** 24 CFR 578.75(b)(1)
- Explanation:** 24 CFR 578.75(b)(1) requires that recipients or subrecipients physically inspect each unit to assure that it meets HQS before any assistance will be provided for that unit on behalf of a program participant.
- Justification:** Waiving the physical initial inspection requirement 24 CFR 578.75(b)(1) as specified below will allow recipients to help prevent the spread of COVID-19.
- Applicability:** This waiver of the requirement in 24 CFR 578.75(b)(1) that the recipient or subrecipient physically inspect each unit to assure that the unit meets HQS before providing assistance on behalf of a program participant is in effect for 6-months beginning on the date of this memorandum for recipients and subrecipients that are able to meet the following criteria:

- a. The recipient is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
- b. The recipient or subrecipient has written policies to physically re-inspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

6. HQS – Re-Inspection of Units

Requirement:	Recipients or subrecipients must inspect all units for which leasing or rental assistance funds are used, at least annually to ensure they continue to meet HQS.
Citation:	24 CFR 578.75(b)(2)
Explanation:	24 CFR 578.75(b)(2) requires that recipients or subrecipients are required to inspect all units supported by leasing or rental assistance funding under the CoC Program at least annually during the grant period to ensure the units continue to meet HQS.
Justification:	Waiving the annual re-inspection 24 CFR 578.75(b)(2) requirement during this public health crisis as specified below will help allow recipients to prevent the spread of COVID-19.
Applicability:	This requirement in 24 CFR 578(b)(2) is waived for 1-year beginning on the date of this memorandum.

7. One-Year Lease Requirement

Requirement:	Program participants residing in PSH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.
Citation:	24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1)
Explanation:	The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable for cause.
Justification:	Waiving the one-year lease requirement as specified below will allow recipients to more quickly identify permanent housing for individuals and families experiencing homelessness, which is helpful in preventing the spread of COVID-19.
Applicability:	The one-year lease requirement is waived for six-months beginning on the

date of this memorandum, so long as the initial lease term of all leases is for more than one month.

CONSOLIDATED PLAN REQUIREMENTS

8. Citizen Participation Public Comment Period for Consolidated Plan Amendment

- Requirement:** 30-day Public Comment Period.
- Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401
- Explanation:** A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan are subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.
- Justification:** Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (i) as specified below, 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.
- Applicability:** This 30-day minimum for the required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. The waiver is available through the end of the recipient's 2020 program year. Any recipient wishing to undertake further amendments to prior year plans following the 2020 program year can do so during the development of its FY 2021 Annual Action Plan.

9. Citizen Participation Reasonable Notice and Opportunity to Comment

- Requirement:** Reasonable Notice and Opportunity to Comment.
- Citations:** 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401
- Explanation:** As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to

provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Justification: HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 as specified below to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.

Applicability: This authority is in effect through the end of the 2020 program year.

EMERGENCY SOLUTIONS GRANTS PROGRAM

10. HMIS Lead Activities

Requirement: ESG funds may be used to pay the costs of managing and operating the HMIS, provided that the ESG recipient is the HMIS Lead.

Citation: 24 CFR 576.107(a)(2)

Explanation: To enable ESG-funded projects to participate in HMIS as required by section 416(f) of the McKinney-Vento Homeless Assistance Act, 24 CFR 576.107(a)(2) authorizes the use of ESG funds for managing and operating the HMIS (e.g., hosting and maintaining HMIS software or data, upgrading, customizing, and enhancing the HMIS), only where the ESG recipient is the HMIS Lead, as designated by the CoC.

Justification: Waiving the rule as specified below would allow more recipients to use ESG funding to upgrade or enhance the HMIS as needed to incorporate ESG program data related to COVID-19.

Applicability: The condition that the recipient must be the HMIS Lead to pay costs under 24 CFR 576.102(a)(2) is waived to the extent necessary to allow any recipient to use ESG funds to pay costs of upgrading or enhancing its local HMIS to incorporate data on ESG Program participants and ESG activities related to COVID-19. This waiver is in effect for 6-months beginning on the date of this memorandum.

11. Re-evaluations for Homelessness Prevention Assistance

Requirement: Homelessness prevention assistance is subject to re-evaluation of each program participant's eligibility need for assistance not less than once every 3 months.

Citation:	24 CFR 576.401(b)
Explanation:	The ESG regulations at 24 CFR 576.401(b) requires recipients or subrecipients providing homelessness prevention assistance to re-evaluate the program participant's eligibility, and the types and amounts of assistance the program participant needs not less than once every 3 months.
Justification:	Waiving re-evaluation requirement for homelessness prevention assistance as specified below is necessary to help program participants remain stable in housing during the economic uncertainty caused by COVID-19.
Applicability:	The required frequency of re-evaluations for homelessness prevention assistance under section 576.401(b) is waived for up to 2-years beginning on the date of this memorandum, so long as the recipient or subrecipient conducts the required re-evaluations not less than once every 6 months.

12. Housing Stability Case Management

Requirement:	Program participants receiving homelessness prevention or rapid re-housing assistance must meet with a case manager not less than once per month, unless certain statutory prohibitions apply.
Citation:	24 CFR 576.401(e)
Explanation:	Under 24 CFR 576.401(e), the recipients or subrecipients must require program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability, unless the Violence Against Women Act of 1994 or Family Violence Prevention and Services Act prohibits the recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.
Justification:	Recipients are reporting limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID-19.
Applicability:	This waiver is in effect for two months beginning on the date of this memorandum.

13. Restriction of Rental Assistance to Units with Rent at or Below FMR

Requirement:	Restriction of rental assistance to units with rent at or below FMR.
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Citation:	24 CFR 576.106(d)(1)
Explanation:	Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.
Justification:	Quickly moving people into permanent housing is especially critical in preventing the spread of COVID-19. Waiving the limit on rental assistance to rents that are equal to or less than the FMR, established by HUD, will assist recipients and subrecipients in more quickly locating additional units to house individuals and families experiencing homelessness.
Applicability:	The FMR restriction is waived for any individual or family receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit during the 6-month period beginning on the date of this memorandum. The ESG recipient or subrecipient must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

14. HOPWA – Self-Certification of Income and Credible Information on HIV Status

Requirement:	Source Documentation for Income and HIV Status Determinations.
Citation:	24 CFR 574.530, Recordkeeping
Explanation:	Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.
Justification:	This waiver will permit HOPWA grantees and project sponsors to rely upon a family member's self-certification of income and credible information on their HIV status (such as knowledge of their HIV-related medical care) in lieu of source documentation to determine eligibility for HOPWA assistance of families and grantees affected by COVID-19.
Applicability:	Eligibility is restricted to a low-income person who is living with HIV/AIDS and the family of such person. This waiver is in effect for recipients who require written certification of the household seeking assistance of their HIV status and income, and agree to obtain source documentation of HIV status and income eligibility within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.

15. HOPWA – FMR Rent Standard

- Requirement:** Rent Standard for Tenant-Based Rental Assistance (TBRA).
- Citation:** 24 CFR 574.320(a)(2), Rent Standard
- Explanation:** Grantees must establish rent standards for their tenant-based rental assistance programs based on FMR (Fair Market Rent) or the HUD-approved community-wide exception rent for unit size. Generally, the TBRA payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income.
- Justification:** This waiver of the FMR rent standard limit permits HOPWA grantees to establish rent standards, by unit size, that are reasonable, and based upon rents being charged for comparable unassisted units in the area, taking into account the location, size, type, quality, amenities, facilities, management and maintenance of each unit. Grantees, however, are required to ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3).
- This waiver is required to expedite efforts to identify suitable housing units for rent to HOPWA beneficiaries and HOPWA-eligible families that have been affected by COVID-19, and to provide assistance to families that must rent units at rates that exceed the HOPWA grantee's normal rent standard as calculated in accordance with §574.320(a)(2).
- Applicability:** Such rent standards may be used for up to one year beginning on the date of this memorandum.

16. HOPWA – Property Standards for TBRA

- Requirement:** Property Standards for Tenant-Based Rental Assistance (TBRA)
- Citation:** 24 CFR 574.310(b), Housing Quality Standards
- Explanation:** This section of the HOPWA regulations provides that units occupied by recipients of HOPWA TBRA meet the Housing Quality Standards (HQS) established in this section.
- Justification:** This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families that have been affected by COVID-19 while also minimizing the spread of the coronavirus.
- Applicability:** This waiver is in effect for one year beginning on the date of this memorandum for recipients and project sponsors that are able to meet the

following criteria:

- a. The recipient or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
- b. The recipient or subrecipient has written policies to physically re-inspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

17. HOPWA Space and Security

Requirement: Adequate Space and Security.

Citation: 24 CFR 574.310(b)(2)(iii), Space and security

Explanation: This section of the HOPWA regulations provide that each resident must be afforded adequate space and security for themselves and their belongings.

Justification: This waiver is required to enable grantees and project sponsors operating housing facilities and shared housing arrangements the flexibility to use optional appropriate spaces for quarantine services of eligible households affected by COVID-19. Optional spaces may include the placement of families in a hotel/motel room where family members may be required to utilize the same space not allowing for adequate space and security for themselves and their belongings.

Applicability: This space and security requirement is waived for grantees addressing appropriate quarantine space for affected eligible households during the allotted quarantined time frame recommended by local health care professionals.

Attachment #1 to Memorandum:

Procedure for Using Available Waivers of Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19

This attachment provides further information on the process that grantees must follow to use the waiver flexibility provided in the memorandum.

Grantees must mail or email notification to the Community Planning and Development Director of the HUD Field Office serving the grantee.

The mail or email notification must be sent two days before the grantee anticipates using waiver flexibility, and include the following details:

- Requestor's name, title, and contact information;
- Declared-disaster area(s) where the waivers will be used;
- Date on which the grantee anticipates first use of the waiver flexibility; and
- A list of the waiver flexibilities the grantee will use:
 1. CoC Program - Fair Market Rent for Individual Units and Leasing Costs
 2. CoC Program - Disability Documentation for Permanent Supportive Housing (PSH)
 3. CoC Program – Limit on Eligible Housing Search and Counseling Services
 4. CoC Program - Permanent Housing-Rapid Re-housing Monthly Case Management
 5. CoC Program - Housing Quality Standards (HQS) – Initial Physical Inspection of Unit
 6. CoC Program - HQS – Re-Inspection of Units
 7. CoC Program – One-Year Lease Requirement
 8. Consolidated Planning Requirements – HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Public Comment Period for Consolidated Plan Amendment
 9. Consolidated Planning Requirements – HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Reasonable Notice and Opportunity to Comment
 10. ESG Program - HMIS Lead Activities
 11. ESG Program - Re-evaluations for Homelessness Prevention Assistance
 12. ESG Program - Housing Stability Case Management
 13. ESG Program - Restriction of Rental Assistance to Units with Rent at or Below FMR
 14. HOPWA Program – Self-Certification of Income and Credible Information on HIV Status
 15. HOPWA Program – FMR Rent Standard
 16. HOPWA Program – Property Standards for TBRA
 17. HOPWA Program - Space and Security



City of Aurora

Division of Community Development • 44 E. Downer Place • Fourth Floor • Aurora, IL 60507
(630) 256-3320 • FAX (630) 256-3329

April 15, 2020

Dear Mr. Kathan,

Respectfully, the City of Aurora, Illinois is hereby providing notice to the U.S. Department of Housing and Urban Development of its intent to utilize HUD's Waivers as authorized by the CARES Act to prevent the spread of COVID-19 and mitigate economic impacts by COVID-19. As directed by HUD's Mega Waiver Memorandum (received by the City on April 13, 2020), the City hereby provides details related to the two waivers it intends to utilize:

- **Requestor's name, title, and contact information:** Chris Ragona, Manager, Community Development Division, 44 E. Downer Place, Aurora, Illinois 60507, 630-256-3321, cragona@aurora-il.org
- **Declared-disaster area(s) where the waivers will be used:** City of Aurora, Illinois
- **Date on which the grantee anticipates first use of the waiver flexibility:** April 23, 2020
- **A list of the waiver flexibilities the City of Aurora will use:**
 1. Consolidated Planning Requirements – HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Public Comment Period for Consolidated Plan Amendment
 2. Consolidated Planning Requirements – HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Reasonable Notice and Opportunity to Comment

Please do not hesitate to reach out to me if you have any questions.

Thank you.

Chris Ragona
Community Development Manager
City of Aurora, Illinois

PUBLIC NOTICE ATTACHMENT 4

Consolidated Plan, Annual Action Plan, and Citizen Participation Plan Substantial Amendments (2020-#1)

As an entitlement community, the City of Aurora, Illinois ("City") receives funding from U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant Program (CDBG), HOME (HOME) Investment Partnerships Program, and Emergency Solutions Grant (ESG) Program. Through the March 27, 2020 passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, the City has also received a CDBG-CV allocation. To expedite the disbursement of the City's 2019 CDBG, 2020 CDBG, and 2020 CDBG-CV funds, via 24 CFR 5.110, the CARES Act authorizes HUD to grant waivers to the public notice, public comment, and citizen participation plan requirements found in 24 CFR 91.105l(2) and (k), 24 CFR 91.115l(2) and (i) and 24 CFR 91.401. In accordance with the City of Aurora's Citizen Participation Plan and HUD's regulatory requirement waivers (which reduce the minimum 30-day public comment period to a 5-day period), a virtual public hearing will be held at 4:00 p.m. on April 24, 2020 to provide an opportunity for comment on proposed *Substantial Amendments (2020-#1) to the 2020-2024 Consolidated Plan as well as its 2019 and 2020 Annual Action Plans* as well as the City's *Citizen Participation Plan*. The public hearing will be viewable via remote access at <https://zoom.us/j/91760027436>. To join the public hearing for purposes of public comment via telephone, please call:

Phone Number: +1 312 626 6799

Meeting ID: 917 6002 7436

Those wishing to provide public comment must pre-register with the Community Development Division no later than 12:00 noon on April 23, 2020 via email: dnr@aurora-il.org or voicemail, 630-256-3320. Speakers must provide their name and telephone number from which the public hearing will be accessed. The public is advised that all telephone numbers and participant names may be visible to the public.

Upon advance request, the City will provide for translation services to meet the needs of non-English speaking residents. For more information, to make special arrangements, contact the Community Development Division via email: dnr@aurora-il.org or voicemail, 630-256-3320.

The Substantial Amendments will result in the re/allocation of unexpended CDBG (\$900,000) and the CDBG-CV funds (\$902,078) and adjustments needed to ensure the integrity of the City's spending obligations and also further address the City's effort to comply with HUD's regulatory requirements in administering the City's CDBG Program.

Please be advised that effective April 23, 2020, a summary of the proposed *Substantial Amendments to the City of Aurora's 2019 and 2020 Annual Action Plans and its Citizen Participation Plan* will be available for review and public comment on the City of Aurora's website: www.aurora-il.org/1175/Neighborhood-Redevelopment. To provide comments, please contact the Community Development Division (CDD) via phone at (630) 256-3320 or dnr@aurora-il.org. Written and verbal comments will be accepted no later than 4:00 p.m., April 27, 2020. All responses will be addressed by the CDD and submitted to HUD. The Substantial Amendment is scheduled for review and adoption at the City Council's April 28, 2020 meeting at 5:00 p.m., via the Zoom video conferencing platform. As with all Aurora City Council meetings, public viewing will be available on the City's Facebook page (www.facebook.com/cityofaurorall) and on the homepage of the City's website (www.aurora-il.org).

NOTICIA PÚBLICA

Plan consolidado, Plan anual de acción y Plan de enmiendas sustanciales y participación ciudadana (2020- # 1)

Como derecho de la comunidad, la Ciudad de Aurora, Illinois ("Ciudad") recibe fondos del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) a través del Programa de Subvención de Desarrollo de Bloque Comunitario (CDBG), el Programa de Asociaciones de Inversión HOME (HOME) y Programa de Subvención de Soluciones de Emergencia (ESG). A través de la aprobación del 27 de marzo de 2020 de la Ley de Ayuda, Alivio y Seguridad Económica por Coronavirus (Ley CARES), Ley Pública 116-136, la Ciudad también recibió una asignación de fondos CDBG-CV. Para acelerar el desembolso de los fondos de la Ciudad CDBG 2019, CDBG 2020 y CDBG-CV 2020, a través de 24 CFR 5.110, la Ley CARES autoriza al Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) a otorgar exenciones a los requisitos de aviso público, comentario público y plan de participación ciudadana que se encuentran en 24 CFR 91.105I (2) y (k), 24 CFR 91.115I (2) y (i) y 24 CFR 91.401.

De acuerdo con el Plan de Participación Ciudadana de la Ciudad de Aurora y las exenciones de requisitos reglamentarios del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) (que reducen el período mínimo de comentarios públicos de 30 días a un período de 5 días), se llevará a cabo una audiencia pública virtual a las 4:00 p.m. del 24 de abril de 2020 para brindar la oportunidad para comentar sobre las Enmiendas sustanciales propuestas (2020- # 1) al Plan consolidado 2020-2024, así como sus Planes de acción anuales 2019 y 2020, y así como el Plan de participación de los ciudadanos de la ciudad. La audiencia pública se podrá ver mediante acceso remoto en <https://zoom.us/j/91760027436>. Para unirse a la audiencia pública con el propósito de hacer un comentario público por teléfono, por favor llame al:

Número de teléfono: +1312626 6799

Número de ID de la reunión: 917 6002 7436

Aquellos que deseen proporcionar comentarios públicos deben inscribirse previamente en la División Desarrollo de la Comunidad a más tardar a las 12:00 del mediodía del 23 de abril de 2020 por correo electrónico: dnr@aurora-il.org o al correo de voz, 630-256-3320. Los oradores deben proporcionar su nombre y número de teléfono desde el cual se accederá a la audiencia pública. Se informa al público que todos los números de teléfono y los nombres de los participantes pueden ser visibles para el público.

Según solicitud previa, la Ciudad proporcionará servicios de traducción para satisfacer las necesidades de los residentes que no hablan inglés. Para obtener más información, para hacer arreglos especiales, comuníquese con la División de Desarrollo de la Comunidad por correo electrónico: dnr@aurora-il.org o al correo de voz, 630-256-3320.

Las Enmiendas sustanciales resultarán en la reasignación/asignación de fondos CDBG no gastados (\$900,000) y de fondos CDBG-CV (\$902,078) y los ajustes necesarios para garantizar la integridad de las obligaciones de gasto de la Ciudad y también abordarán los esfuerzos de la Ciudad para cumplir con los requisitos reglamentarios de Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) en la administración del Programa de Subvención de Desarrollo de Bloque Comunitario (CDBG) de la Ciudad.

Tenga en cuenta que, a partir del 23 de abril de 2020, un resumen de las Enmiendas sustanciales propuestas a los Planes de acción anuales 2019 y 2020 y al Plan de participación ciudadana de la Ciudad de Aurora estará disponible para su revisión y comentario público en la página de internet de la Ciudad de Aurora: www.aurora-il.org/1175/Neighborhood-Redevelopment. Para proporcionar comentarios, comuníquese con la División de Desarrollo de la Comunidad (CDD) por teléfono al (630) 256-3320, o por correo electrónico: dnr@aurora-il.org. Se aceptarán comentarios escritos y verbales a más tardar hasta las 4:00 p.m., 27 de abril de 2020. Todas las respuestas serán atendidas por la División de Desarrollo de la Comunidad y enviadas al Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD). La Enmienda Sustancial está programada para su revisión y adopción en la Reunión del Concejo Municipal de la Ciudad del 28 de abril de 2020 a las 5:00 p.m., a través de la plataforma de videoconferencia Zoom. Al igual que con todas las reuniones del Concejo de la Ciudad de Aurora, la visualización pública estará disponible en la página de Facebook de la Ciudad (www.facebook.com/cityofauroraIL) y en la página de internet de la Ciudad de Aurora (www.aurora-il.org).

2020-#1 Substantial Amendment Public Comments and City Responses

Comment #1

April 20, 2020 – *Comment received from Billy Meyers via email*

APD needs to press charges on the corruption in Aurora, Illinois with the FBI maybe CIA and United Nations as it flows even to South Boston to Ukraine and China against Pan Africanism of even African American against African American gangs against Rehel of Redevelopment money being stolen by Wards and Districts need Internal Affairs investigations of jobs not reaching the whole Ward as in Ward 7.

April 22, 2020 - *City response via email*

Good Morning,

The City of Aurora Community Development Division receives HOME Investment Partnership and Community Development Block Grant funds to provide resources to residents, businesses, and nonprofit agencies for a variety of projects. The City has provided funding for single family rehabilitation emergency repairs, down payment assistance, funding for homelessness prevention, community development infrastructure investments, and assistance to small businesses for economic development investment. The City opens programs to all qualifying residents, businesses, and nonprofit agencies regardless of race and ethnicity.

Thank you.

To date, the City has not received any other comments. Any additional public comments and City responses will be incorporated into the City's submittal of Substantial Amendment 2020-#1 to HUD.